

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 10

In the Matter of:

Amazon.com Services, LLC, Case No. 10-RC-269250

Employer,

and

Retail, Wholesale and
Department Store Union,

Petitioner.

Place: Atlanta, Georgia (Via Zoom Videoconference)

Dates: May 24, 2021

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
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AMAZON.COM SERVICES, LLC,
Employer,

And

RETAIL, WHOLESALE AND
DEPARTMENT STORE UNION,

Petitioner.

Case No. 10-RC-269250

The above-entitled matter came on for hearing, pursuant to notice, before **KERSTIN MEYERS**, Hearing Officer, at the National Labor Relations Board, via Zoom videoconference, on **Monday, May 24, 2021, 10:00 a.m.**



A P P E A R A N C E S

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Tanula Rhoten-Coleman	1403	1415	1430	1433	
Benjamin Mansbach	1444	1486	1503	1504	
Jena Smith	1508, 1543, 1572				1523, 1543

E X H I B I T S

<u>EXHIBIT</u>	<u>IDENTIFIED</u>	<u>IN EVIDENCE</u>
Employer:		
E-6	1426	
E-112	1437	1440
E-113	1437	1440
E-114	1437	1440
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P R O C E E D I N G S

HEARING OFFICER MEYERS: All right.

And Mr. Johnson, can you please call your first -- your first witness of the day?

MR. JOHNSON: Thank you, Madame Hearing Officer.

The Employer calls Tanula Rhoten-Coleman.

HEARING OFFICER MEYERS: Thank you.

And could we admit her and Counsel?

THE BAILIFF: Admitting right now.

HEARING OFFICER MEYERS: Thank you.

Hi, Ms. Coleman. Thank you for your patience. And I apologize for that unusual delay. Could you do me a favor and raise your right hand?

Whereupon,

TANULA RHOTEN-COLEMAN

having been duly sworn, was called as a witness herein and was examined and testified, telephonically as follows:

HEARING OFFICER MEYERS: Thank you.

Your witness, Mr. Johnson.

MR. JOHNSON: Thank you.

DIRECT EXAMINATION

Q BY MR. JOHNSON: And hello, Ms. -- or do you go by Ms. Coleman or Ms. Rhoten-Coleman?

A Coleman is fine.

Q Okay. Hello, Ms. Coleman. I'm Harry Johnson, counsel for

1 the Employer, Amazon, in this case. Thanks for your time.

2 This is an NLBR hearing on a representation case matter and --
3 and Madame Hearing Officer Kerstin Meyers is in charge of the
4 hearing. Do you understand that?

5 A Yes.

6 Q Okay. And can you please spell your name for the record
7 so the court reporter can get it now?

8 A It's T-A-N-U-L-A, last name R-H-O-T-E-N, hyphen, Coleman,
9 C-O-L-E-M-A-N.

10 Q Thank you, ma'am. And if at any time, if you don't
11 understand the question I'm asking, just please tell me and
12 I'll try to rephrase it. Is that all right?

13 A Yes, sir.

14 Q Okay. And your appearance here is due to a subpoena that
15 Amazon served on the United States Postal Service, correct?

16 A Yes, sir.

17 Q And what's your job title now, Ms. Coleman?

18 A My job title now is safety manager of Alabama.

19 Q Okay. And I'm sorry, I didn't hear the word before
20 "manager"; what was that?

21 A Safety manager.

22 Q Thank you. Thank you, ma'am. And how many years'
23 experience total have you had with the United States Postal
24 Service?

25 A 22 years.



1 Q Okay. And in these questions, I may refer to the United
2 States Postal Service as the USPS or the Postal Service, just
3 so you understand what I'm talking about. Do you understand
4 that?

5 A Yes, sir.

6 Q Okay, thank you. Are you familiar with the term "officer
7 in charge"?

8 A Yes, sir.

9 Q Were you the officer in charge for Bessemer, Alabama
10 during the period of February and March of 2021 -- this year?

11 A Some of the days. My command ended end of -- on or around
12 end of February.

13 Q Okay. So you were at least officer in charge during
14 February 2021? Do I have that correct?

15 A Yes, sir.

16 Q Okay. And were you still -- did you have any
17 responsibility over Bessemer, Alabama in the period of March
18 2021?

19 A Repeat that, I'm sorry.

20 Q Sure. Did you have any responsibility on behalf of the
21 Postal Service, you know, in any capacity, over Bessemer,
22 Alabama and the mail delivery there in March 2021?

23 A No, sir.

24 Q Okay. So we're just talking about February that you would
25 be familiar with the Postal Service; am I right?

1 A Correct.

2 Q Okay. Now during February, what were your responsibilities
3 as officer in charge of Bessemer, Alabama?

4 A As officer in charge, I'm over the whole operation: all
5 carriers, clerks, mail delivery, all operations, so you know,
6 running the post office.

7 Q Okay. And there's been testimony about arrow keys. Are
8 you familiar with what an arrow key is?

9 A Yes, sir.

10 Q Now, are you familiar with the Postal Service's process
11 for checking out and handling arrow keys to the letter carriers
12 operating in Bessemer?

13 A Yes, sir.

14 Q And can you describe that process for the benefit of the
15 hearing officer so she can understand?

16 A Well, the process of a arrow lock key is basically it's
17 under lock and key up until the point that the carrier needs it
18 to go out on their route, and we have what we call the
19 mechanical cart, where the carrier checks in and out. So
20 basically, when they go out on their route, they check out the
21 key, and then when they return off the route, they turn it back
22 in. And either a clerk, myself, or a supervisor is required to
23 initial out so we have all the keys each day.

24 Q Okay. And when you say, "initial out", does something
25 have to be signed to confirm that all the keys were there?

1 A They have a -- a log that's in place that they sign in and
2 out on; it's for certain (indiscernible) and other accountable
3 items.

4 Q Okay. And an arrow key is an accountable item?

5 A Yes, sir.

6 Q Okay. Now that process that you described, to the extent
7 that you were officer in charge and -- and knew about it in
8 February 2021, was that process followed at all times during
9 February 2020 by letter carriers servicing Bessemer, Alabama?

10 A Yes, sir.

11 Q Okay. Let me ask you about March 2021. Do you have any
12 reason to believe that that process wasn't followed in March
13 2021 by letter carriers servicing Bessemer, Alabama?

14 MR. DAVIES: Objection. Calls for speculation.

15 HEARING OFFICER MEYERS: Overruled.

16 Q BY MR. JOHNSON: You can answer the question, but I can
17 repeat it if you'd like, ma'am.

18 A Okay. Yeah, if you can, please. I'm sorry.

19 Q Sure. Let me talk about March 2021. March 2021, you're
20 not the officer in charge, right?

21 A Correct.

22 Q But you're still with the Postal Service during March
23 2021, correct?

24 A Correct.

25 Q Do you have any knowledge in March 2021 that the process

1 that you described for securing the arrow keys was not followed
2 in Bessemer, Alabama?

3 MR. DAVIES: Objection. Same -- same objection. Madame
4 Hearing officer, she was not in charge. She testified she
5 wasn't responsible for Bessemer in March of 2021. I don't know
6 how she can testify about what the procedures were after she
7 left, other than to speculate.

8 MR. JOHNSON: May I be heard?

9 HEARING OFFICER MEYERS: You can, Mr. Johnson.

10 MR. JOHNSON: Sure. I'm just simply asking her, does she
11 have any personal knowledge that she's still with the Postal
12 Service.

13 HEARING OFFICER MEYERS: I'm going to overrule the
14 objection.

15 Ms. Coleman, you can answer.

16 A I don't have any knowledge that there would be any --
17 well, I'm sorry, you have to use the verbiage again. I
18 don't -- I don't have any reason to believe that there would be
19 any, you know, issues with the arrow lock keys.

20 Q BY MR. JOHNSON: Okay. So would there be -- do you have
21 any reason to believe that the arrow key security process was
22 not followed in March of 2021?

23 A I do not.

24 Q Okay. Are you familiar with the fact that there is an
25 Amazon facility in Bessemer at 975 Powder Plant Road that has a

1 U.S. Postal Service cluster box unit in its parking lot?

2 A Yes, sir.

3 Q Okay. Now from here on out, I'm going to call that USPS
4 cluster box unit the mailbox for the following questions; do
5 you understand?

6 A Okay.

7 Q So under the process you just described, was it
8 permissible for Postal Service letter carriers to loan out
9 their arrow keys for that mailbox to people other than U.S.
10 Postal Service carriers?

11 A No, sir.

12 Q Under the process that you've described, did the United
13 States Postal Service, in February 2021, ever lose the arrow
14 keys to the mailbox?

15 A No, sir.

16 Q Did it come to your attention any point in March 2021 that
17 the United States Postal Service letter carriers had lost the
18 arrow keys to that mailbox?

19 A Not to my knowledge.

20 Q At any point during your tenure as officer in charge, did
21 USPS letter carriers give their arrow keys to the security
22 guards from Allied Security who were stationed at the Amazon
23 facility at 975 Powder Plant Road so those guards to get into
24 outgoing mail compartment of that mailbox?

25 A Absolutely not.

1 Q Why do you say, "absolutely not"?

2 A Because they have to bring the keys back every day, they
3 can't -- there's -- they can't give it away; if they do,
4 it's -- it's a different offense. As far as postal inspectors,
5 they can't give it to anyone else, they have to keep it on them
6 at all times.

7 Q Okay. At any point during February 2021 during your
8 tenure as officer in charge, did USPS letter carriers give
9 their arrow keys to the Bessemer police officers at that
10 facility so those officers could get into the outgoing mail
11 compartment mailbox?

12 A No, sir.

13 Q At any point during your tenure as officer in charge, did
14 USPS letter carriers give their arrow keys to the Amazon
15 managers or supervisors at that facility so those managers or
16 supervisors could get into the outgoing mail compartment of
17 that mailbox?

18 A No, sir.

19 Q Okay. And I'll ask you, do you have any knowledge during
20 March 2021 that letter carriers gave their arrow keys to the
21 Bessemer police officers at that facility?

22 MR. DAVIES: Objection.

23 HEARING OFFICER MEYERS: What is your objection?

24 MR. DAVIES: She can only speculate; she was not in charge
25 of Bessemer in March of 2021, so --

1 HEARING OFFICER MEYERS: I'll overrule the objection.

2 A Not to my knowledge.

3 Q BY MR. JOHNSON: And to your knowledge in March 2021, did
4 USPS letter carriers give their arrow keys to Amagon -- Amazon
5 managers at su -- or supervisors at the Powder Plant Road
6 facility so those managers or supervisors could get into the
7 outgoing mail compartment of that mailbox?

8 A No, sir.

9 Q So at any point during -- to your knowledge, during
10 February and March 2021, did U.S. Postal Service letter
11 carriers give their arrow keys to any people other than U.S.
12 Postal Service employees so that such people could get into the
13 outgoing mail compartment of that mailbox?

14 A No, sir.

15 Q At any point, to your knowledge, during February and March
16 of 2021, did United States Postal Service letter carriers give
17 any kind of access key to persons other than U.S. Postal
18 Service employees so that those people could get into the
19 outgoing compartment of that mailbox?

20 A No, sir.

21 Q Okay. So I will just ask you a series of -- short series
22 of true or false questions, and then we're pretty much done
23 except for one question; do you understand?

24 A Yes, sir.

25 Q Okay. So true or false: The United States Postal Service

1 letter carrier vehicle can get onto the BHM1 property at Powder
2 Plant Road without needing to get permission or preapproval
3 from Amazon?

4 A Okay, repeat that.

5 Q Sure. Well, let me -- let me say, is it true that the
6 U.S. Postal Service letter carrier vehicle can get onto the
7 BHM1 property at Powder -- 975 Powder Plant Road without
8 needing to first get permission or preapproval from Amazon?

9 MR. DAVIES: Objection. Leading.

10 HEARING OFFICER MEYERS: It's not leading; it doesn't
11 suggest an answer. However --

12 MR. DAVIES: It doesn't?

13 HEARING OFFICER MEYERS: No, it doesn't. I mean, there's
14 two possible answers, and he's not --

15 MR. DAVIES: Well --

16 HEARING OFFICER MEYERS: -- providing an answer.

17 MR. DAVIES: Okay.

18 HEARING OFFICER MEYERS: I'm going to allow it. Objection
19 overruled.

20 Ms. Coleman, I'm sorry. You can answer if you remember
21 the question.

22 THE WITNESS: I guess -- I'm sorry, repeat it one more
23 time.

24 Q BY MR. JOHNSON: Can the Postal Service letter carrier
25 vehicle get onto the Amazon property at BHM1 -- at 975 Powder

1 Plant Road without needing to first get permission or
2 preapproval from Amazon?

3 A True.

4 Q Okay. And do only USPS letter carriers have access to the
5 outgoing mail compartment of the parking lot mailbox at BHM1
6 975 Powder Plant Road?

7 A True.

8 Q Okay. Concerning that mailbox --

9 HEARING OFFICER MEYERS: Ms. Coleman, when -- when you say
10 "true", are you saying yes? He's asking you a yes/no question.
11 I just want to confirm --

12 THE WITNESS: Oh, I'm sorry.

13 HEARING OFFICER MEYERS: -- so the record's clear.

14 THE WITNESS: Okay, I thought he said true or false
15 question. So yes.

16 HEARING OFFICER MEYERS: Thank you. I just want to make
17 sure that the record is perfectly clear.

18 THE WITNESS: Okay.

19 Q BY MR. JOHNSON: Sure. Just as I understand it, Ms.
20 Coleman, your answer to the last question was "yes"; am I
21 correct?

22 A Yes.

23 Q Okay. New question. Concerning that mailbox and the
24 incoming mail -- well, actually --

25 MR. JOHNSON: Scratch that.

1 Q BY MR. JOHNSON: Concerning that mailbox, does Amazon have
2 keys only to its own incoming mail compartment or does it have
3 keys to other mail compartments?

4 A No, just to assigned mail compartments.

5 Q Okay. So -- so I understand what you're saying, are you
6 saying that Amazon just has keys to its assigned mail
7 compartment in that cluster box unit?

8 A Yes.

9 Q Okay. And this is a true or false question. True or
10 false: That BHM1 parking lot mailbox is as secure as any
11 United States Postal Service mailbox in the Bessemer area?

12 A Yes, sir.

13 Q Okay, is that true, or is it false?

14 A I'm sorry, true.

15 Q And one last question. When you were officer in charge,
16 was the pickup and delivery of mail secure in Bessemer,
17 Alabama?

18 A Yes, sir.

19 Q Okay. And I actually have one more question because I'm
20 talking about March when you were not an officer in charge of
21 the mail delivery there. To your knowledge, during March 2021,
22 was the pickup and delivery of mail secure in Bessemer,
23 Alabama?

24 MR. DAVIES: Objection. Speculation.

25 HEARING OFFICER MEYERS: And again, I'm going to overrule

1 it -- it for the value that it will be given by the hearing
2 officer regarding the foundation. So overruled.

3 You can answer, Ms. Coleman.

4 A To my knowledge, yes.

5 Q Okay.

6 MR. JOHNSON: I don't have any further questions on
7 direct, Madame Hearing Officer.

8 HEARING OFFICER MEYERS: Mr. Davies, how much time do you
9 need to prepare for this witness?

10 MR. DAVIES: Probably ten minutes.

11 HEARING OFFICER MEYERS: All right. Let us reconvene then
12 at 11:25. That -- that shorts you about a minute; 11:26 since
13 you only asked for ten minutes. We will be off the record
14 until 11:26.

15 MR. DAVIES: Thank you.

16 (Off the record at 10:16 a.m.)

17 HEARING OFFICER MEYERS: Mr. Rouco, do you have any
18 questions for this witness?

19 MR. ROUCO: I do, thank you.

20 **CROSS-EXAMINATION**

21 Q BY MR. ROUCO: Ms. Rhoten-Coleman, thank you for showing
22 up and participating in this proceeding. My name is Richard
23 Rouco; I'm here representing the Union -- or the Petitioner --
24 in this NLRB proceeding. Ms. -- is it -- Ms. Rhoten-Coleman,
25 where are you located?

1 A In Alabama.

2 Q Where in Alabama?

3 A Birmingham, Alabama.

4 Q And you said you were in charge of safety for the state of
5 Alabama?

6 A That is my current position.

7 Q What position -- well, when did you assume that position?

8 A Approximately about a year and a half ago.

9 Q And your office is located in the -- the district office
10 in downtown -- or in Birmingham?

11 A Yes, sir.

12 Q Okay. And what is your -- do you -- other than the person
13 responsible for safety, what's your actual title?

14 A My title right now is Alabama safety manager.

15 Q Has that been the title for a year that -- you've had a
16 title for a year?

17 A Except for during the time frame that I was officer in
18 charge in Bessemer.

19 Q Okay. And -- and you've testified that that was in
20 February of this year; is that right?

21 A Yes, sir.

22 Q Why were you assigned to be the officer in charge of
23 Bessemer?

24 A I believe that the postmaster was out on extended sick
25 leave.

1 Q Okay. So you were acting in place of the postmaster in
2 February of this year?

3 A Yes, sir.

4 Q And what is the name of the postmaster for Bessemer?

5 A Eric Charles (phonetic throughout).

6 Q I'm sorry, I did not hear that

7 A It's Eric Charles; last name Charles.

8 Q Do you know how that is spelled?

9 A C-H-A-R-L-E-S.

10 Q Okay. And how long has -- it's Mr. Charles -- how long
11 has he been the postmaster at Bessemer?

12 A I'm not sure.

13 Q Okay. And who assigned you to be the officer in charge of
14 Bessemer while he was out on leave?

15 A Stephanie Johnson was the MPOO; and at the time, the DM
16 was Angela Lawson.

17 Q Okay. So you said -- what was Stephanie Johnson's title?
18 I'm sorry.

19 A It's MPOO, which is manager of customer service operation.

20 Q MPOO, it's -- is -- that acronym is M-P-O-O?

21 A Yes.

22 Q Okay. And is Ms. Johnson also located in the Birmingham
23 office?

24 A I'm not sure where her office is.

25 Q And Angela -- you -- you mentioned Angela Wilson (sic) is

1 the DM. Is that the district manager?

2 A It is Angela Lawson.

3 Q I'm sorry, Lawson.

4 A Yeah.

5 Q Okay.

6 A And she was DM at that time.

7 Q And the "DM" means district manager?

8 A Yes, sir.

9 Q And who is Willie Lockett? If you know.

10 A He's the acting maintenance manager.

11 Q For the district?

12 A For the district.

13 Q Now Ms. Rhoten-Coleman, you were asked questions about a

14 cluster box that was installed at the Amazon facility in

15 Bessemer. Were you involved in the decision to ma -- to

16 install that box?

17 A No, sir.

18 Q Were you aware that there was a box that was going to be

19 installed at that location?

20 A Yes, sir.

21 Q You were? Okay. How did you learn that the box was going

22 to be installed?

23 A To ensure that the carrier, you know, delivers the mail to

24 the box and picks up the box every day just like you do with

25 any other cluster box.

1 Q Now the cluster box that -- that was installed, it was
2 installed for only one user; is it right?

3 A Yes.

4 Q Okay. Isn't it true that typically the cluster box is
5 something that the user or the customer provides, and then the
6 post office provides the -- the security locks; is that right?

7 MR. JOHNSON: Objection. Objection. Relevance.

8 HEARING OFFICER MEYERS: Overruled.

9 MR. ROUCO: Right.

10 Q BY MR. ROUCO: Ms. Rhoten-Coleman, isn't it true that
11 typically the cluster box is something that the customer
12 provides, and then the post office provides the -- whatever
13 security -- like, the arrow keys or whatever locks are needed
14 to make it secure; is that right?

15 A Not in all cases, but most.

16 Q In most cases, right? It's -- it's an unusual case for
17 the post office to provide the cluster bockets -- the bux --
18 the cluster box itself; isn't that right?

19 A I wouldn't say that; I'm not sure.

20 Q Well, you would agree that it's a typical for the -- for
21 the post office to go and provide a cluster box to a customer;
22 isn't that right?

23 A Can you rephrase that? I'm sorry.

24 Q You would agree that it is a typical for the post office
25 to actually provide the cus -- the cluster box to the customer?

1 A I'm not sure how to answer that. It's not typical, but I
2 mean, it -- it happens sometimes in --

3 Q Well, how many times in your 22-year career with the post
4 office has the post office provided a customer with a cluster
5 box?

6 A I don't have a specific number, but I mean, it's -- it's
7 occurred.

8 Q It's occurred. Okay. Now, you said that -- who -- who
9 informed you of the existence of the cluster box at -- at the
10 Amazon location? Do you recall who told you that?

11 A My boss at the time, Stephanie Johnson.

12 Q Okay. And did Stephanie Johnson tell you that the reason
13 the cluster box was being installed was because there was an
14 NL -- NLRB election going on at that facility?

15 A I don't recall her reason, I just -- I know that we had --
16 I mean, that there were other issues with our carrier going to
17 the back of the facility (indiscernible, simultaneous speech).

18 Q Were you aware that the -- I'm sorry? Are you finished
19 with your answer? I didn't mean to cut you off.

20 A No, I'm just saying that I'm not sure of the reason --

21 Q Okay.

22 A -- of why.

23 Q Were you aware that there was an NLRB election going on in
24 February at the Amazon facility?

25 A Yes, sir.

1 Q Okay. And you were aware that -- that some ballots were
2 being deposited in that cluster box? You're aware of that?

3 A Into the collection spot, yes, sir.

4 Q And were you aware that that cluster box had been
5 modified?

6 A No, sir.

7 Q Okay. Do you know who the letter carrier is assigned to
8 that Amazon location?

9 A I know he's on Route 16 (phonetic throughout).

10 Q Is that a rural route?

11 A Yes, sir.

12 Q So there's a rural carrier letter -- letter carrier
13 assigned to that route?

14 A Yes.

15 Q Do you know -- and you don't know that person's name?

16 A I don't recall it right now; and she has a replacement,
17 too, so.

18 Q Do you recall -- the replacement is the person that fills
19 in when she's out?

20 A Correct.

21 Q Do you recall the replacement's name?

22 A I know her first name is Kenya (phonetic throughout).

23 Q Kenya. Now, rural -- rural letter carriers, they --
24 they're different than just the -- the regular letter carrier
25 from an employment perspective; is it right?

1 A Just as far as pay and uniforms.

2 Q And do they use their own vehicles? Rural letter carriers
3 will use their own vehicles to collect mail?

4 A Some of them do. In this particular case, Route 16 has a
5 postal vehicle assigned to it, so --

6 Q And --

7 A -- they never use their personal vehicle.

8 Q They don't use their personal vehicles. And -- and are
9 they -- you know, the letter carriers wear a blue uniform; is
10 that right?

11 A City letter carriers, not rural carriers.

12 Q Okay. Well, how do city -- how do rural letter carriers
13 dress?

14 A They don't have a uniform allowance, they're just required
15 to, you know, dress professional: no spandex, high heels, tank
16 tops, just, you know, normal clothes.

17 Q So they could be like, a -- a pair of jeans, a T-shirt,
18 and say like, a jacket over them?

19 A Yes, sir.

20 Q It doesn't have -- it doesn't have to have any insignia of
21 the USPS; is that right?

22 A That's correct.

23 Q Okay. Now, did you ever speak to the letter carrier that
24 was assigned to Route 16? I'm sorry, let me rephrase that,
25 that's very broad. Did you ever speak to the letter carrier

1 assigned to Route 16 about their pickups at the Amazon
2 facility?

3 A When it was installed, yes, sir.

4 Q Okay. And did they -- did that letter carrier tell you
5 that they were picking up a lot of ballots out of that box?

6 A No, sir, we didn't -- I mean, that wasn't a conversation.

7 Q Okay. They didn't tell you what kind of mail they were
8 picking up?

9 A No, sir.

10 Q Now, how many days was that box serviced? Do you recall?

11 A Six days a week.

12 Q Do you know if that's still the schedule for that box?

13 A I would believe so.

14 Q Okay. Do you know who would know the name of the letter
15 carrier that's assigned to Route 16?

16 A I mean, I can find out. I -- I'm not --

17 Q Can you find that out -- can you find that out for me
18 right now?

19 A Sure.

20 Q Yeah. Could you do that for me, please?

21 A All right. Hold on one second, please.

22 Q Thank you.

23 MR. JOHNSON: Do you want to go off the record while this
24 is going on?

25 MR. ROUCO: I'm fine with doing that.

1 MR. JOHNSON: (Audio interference).

2 HEARING OFFICER MEYERS: Yes, we'll go off the record.

3 And I'm going to permit her to make this phone call, Mr.
4 Rouco, although it's highly unusual, but you did ask the
5 question, and she's already made the call.

6 So we are going to allow her to make the call. Let's go
7 off the record. We will reconvene at 11:45. Should that be
8 enough? Yes?

9 MR. JOHNSON: I don't know.

10 MR. ROUCO: I think so.

11 HEARING OFFICER MEYERS: I think she's -- she appears to
12 be on -- she appears to be on the phone. Let's go off the
13 record till 11:45 so she can complete this call.

14 MR. JOHNSON: Okay.

15 HEARING OFFICER MEYERS: Or is she (audio interference)
16 wait, by the time we've made our call?

17 Are you done?

18 THE WITNESS: Yes, I am.

19 HEARING OFFICER MEYERS: Excellent. We're still on the
20 record, so go ahead.

21 THE WITNESS: I'm sorry.

22 HEARING OFFICER MEYERS: No, you're good.

23 A So the carrier's name is Linda Woods (phonetic
24 throughout), and then the replacement carrier is Kenya Ware.

25 Q BY MR. ROUCO: Did you -- now, you said that -- did -- did

1 you have a conversation with Linda Woods about the cluster box
2 when it was installed at the Amazon facility in February?

3 A Yes, sir.

4 Q And do you recall what that conversation was?

5 A Just that we have a new box coming in, make sure that we,
6 you know, put the mail in the box and collect the outgoing.

7 Q Were you aware that Amazon had encircled the box with a
8 tent?

9 A I was not aware of it until after the fact.

10 Q Did you -- did you notice that they had some banners on
11 the side of the tent also?

12 A Yes, sir.

13 Q And is it your recollection that those banners said, mail
14 your ballot here?

15 A I don't recall what they said specifically.

16 Q Did you learn from -- did you learn about the tent and the
17 banner from Linda Woods?

18 A I don't remember -- I don't recall who said that the tent
19 was over it.

20 Q Did you go visit the Birmingham property yourself?

21 A Yes, sir.

22 Q Okay. When did you go visit the Birmingham property?

23 A I don't recall the date.

24 Q Why would you go visit the Birmingham property? And by
25 Birmingham -- excuse me, let me rephrase this. Did you go

1 visit the Bessemer Amazon location?

2 A Yes.

3 Q Okay. Do -- and you don't recall when you went out to the
4 Amazon Bessemer location; is that right?

5 A No, I don't recall the date.

6 Q Was it in the month of February?

7 A I can't say.

8 Q Okay. Do you recall why you went out to visit the
9 Birming -- the Bessemer Amazon location?

10 A Because they said that a tent was over it, and just
11 whenever we have any issues at any cluster box or anything, we
12 usually go out and inspect or look to see what's happening.

13 Q Okay. Did you communicate your findings to anybody?

14 A I let Stephanie Johnson know that there was a tent put
15 over the cluster box.

16 Q And did you do -- did you send an email to Stephanie
17 Johnson?

18 A No, sir -- or I don't remember if that was me, no.

19 Q Okay.

20 MR. ROUCO: Madame Hearing Officer, can you ask the
21 bailiff to put up Employer Number 6?

22 HEARING OFFICER MEYERS: Madame Bailiff, can you put up
23 Employer's Number 6, please?

24 MR. JOHNSON: I don't think that's 6.

25 MR. ROUCO: No, that's not 6. I agree with that theory.

1 HEARING OFFICER MEYERS: Madame Bailiff, do you have that?

2 THE BAILIFF: I was going -- I was going off of the
3 SharePoint site what was listed as Employer Exhibit -- oh, it
4 was named as 6. Okay, just one moment here. I apologize.

5 HEARING OFFICER MEYERS: Oh, oh, no, the -- the exhibit
6 numbers are afterwards and it -- it's -- and I thought I had it
7 open, but I don't.

8 THE BAILIFF: Give me just one moment here, pulling it up
9 now. My apologies.

10 HEARING OFFICER MEYERS: There's a consolidated one
11 somewhere in there, but I don't -- it must be on the next page.

12 THE BAILIFF: Is that the exhibit we're looking for?

13 MR. ROUCO: Yes, ma'am.

14 THE BAILIFF: Okay. Thank you.

15 Q BY MR. ROUCO: Ms. Rhoten-Coleman, do you see what is
16 being displayed as Employer Exhibit Number 6 on your screen?

17 A Yes.

18 Q Okay. Is this the tent -- when you went out to inspect
19 the tent around the box, is this a -- does this accurately show
20 what you saw?

21 A It looks different, but I mean, it's been awhile, I
22 apologize, but I believe so.

23 Q Okay. And if you can see, around that cluster box -- and
24 I'll represent to you that that -- the cluster box is inside
25 that tent -- there's a -- it says, "Mail your ballot here"; is

1 that right?

2 A Yes, sir.

3 Q Okay. Did you talk to Stephanie Johnson about the fact
4 that there was a banner and a tent that encouraged employees to
5 mail their ballots at that box?

6 A No, sir, I don't think we spoke specifically, just that
7 the tent was there.

8 Q Did Ms. Johnson give you any instructions regarding the
9 tent?

10 A No, sir.

11 Q Did you speak to anyone at Amazon about the tent?

12 A No, sir.

13 Q Do you -- do you know whether the Bessemer post office was
14 tracking how much mail was being collected at this cluster box?

15 A No, sir, we weren't.

16 Q Was there an audit done of the cluster box to see how much
17 mail was being collected?

18 A Not to my knowledge, no, sir.

19 Q Now, with respect to -- with respect to -- you're familiar
20 with the term of "blue box", right?

21 A Yes, sir.

22 Q With respect to blue boxes, does the post office conduct
23 audits of blue boxes to see how much mail is being picked up at
24 a specific blue box?

25 A Just annually; and I'm not sure of the time, but usually

1 once a year we will do an audit of the boxes.

2 Q Now, did you -- at any point, did you understand that
3 Amazon had requested a blue box for the BHM1 property?

4 A I'm not aware of that.

5 Q Okay. And that the cluster box was the next best thing to
6 having a blue box installed?

7 MR. JOHNSON: Objection.

8 Q BY MR. ROUCO: Were you aware of that?

9 MR. JOHNSON: Vague. Objection. Vague, "next best
10 thing".

11 HEARING OFFICER MEYERS: Sustained.

12 Q BY MR. ROUCO: Were you aware that the post office came up
13 with the cluster box idea in lieu of installing a blue box?

14 A No, sir.

15 MR. ROUCO: Subject to any additional questions -- well,
16 actually, if I may have -- if I may have just a -- a brief 30-
17 second --

18 HEARING OFFICER MEYERS: You -- you may have 30 seconds
19 off --

20 MR. ROUCO: Okay.

21 HEARING OFFICER MEYERS: -- the record.

22 MR. ROUCO: Yeah, I just need to speak -- I just need to
23 ask her which -- hold on.

24 (Off the record at 11:50 a.m.)

25 HEARING OFFICER MEYERS: On the record.

1 MR. ROUCO: Ms. Rhoten-Coleman, I have no further
2 questions. Thank you.

3 HEARING OFFICER MEYERS: Mr. Johnson, do you have any
4 redirect?

5 MR. JOHNSON: Yes, I have just a few. And we don't need
6 to take a break.

7 So tell me when you're ready to talk, Ms. Rhoten-Coleman;
8 I can ask you my questions.

9 THE WITNESS: I'm ready, sir.

10 MR. JOHNSON: Okay, thank you.

11 **REDIRECT EXAMINATION**

12 Q BY MR. JOHNSON: Quick question on how long you were
13 officer in charge. Were you officer in charge of Bessemer,
14 Alabama at any time in January 2021?

15 A Yes, sir, I came to Bessemer approximately end of October.

16 Q Okay. Do you remember were you officer in charge for the
17 entire month of January 2021?

18 A Yes, sir.

19 Q Okay. And during January 2021, were the security
20 procedures and protocols that you described about the arrow
21 keys in force at -- with the U.S. Postal Service in Bessemer,
22 Alabama?

23 A Yes, sir.

24 Q You testified some about a conversation with Stephanie
25 Johnson about reasons behind the cluster box unit. Do you

1 remember that testimony?

2 A About -- I'm sorry.

3 Q Well, that -- let me ask it to you this way. I think you
4 testified that there were some issues with the carrier going to
5 the back of the facility, in that conversation you had. Do you
6 recall that?

7 A Yes, sir.

8 Q Okay. And do you recall what those issues were?

9 A Just that the carrier had to drive to the back of the --
10 like, where the trucks go -- where the warehouse is -- to
11 collect or drop mail.

12 Q Okay, and why was that an issue?

13 A Just a safety concern for her going back there with the
14 trucks, and you know, no real place to place any mail or
15 anything, just kind of in the back of the warehouse.

16 Q Okay. Did you consider delivering to the back safe or
17 unsafe?

18 A Unsafe due to the travel of, you know, her getting in and
19 no secure location.

20 Q Okay, thank you. And you testified some about the postal
21 vehicle assigned to Route 16. Do you remember that?

22 A Yes, sir.

23 Q What does that vehicle look like?

24 A It's a -- well, a LLV -- just a postal vehicle like, if
25 you -- possibly would see in your neighborhood -- the little,

1 small ones.

2 Q Okay. Does is it have U.S. Postal Service logos on it?

3 A Yes, sir.

4 Q Does it have the U.S. Postal Service insignia on it --
5 with the eagle?

6 A Yes, sir. Yes, sir.

7 Q Okay. Does it say, "U.S. Postal Service" on it or "Postal
8 Service" on it somewhere?

9 A Yes, sir, it does.

10 Q Okay, and that's the vehicle that was used during February
11 and March 2021 to deliver mail to this mailbox?

12 A Yes, sir.

13 Q And (audio interference) this mailbox?

14 THE COURT REPORTER: I'm sorry, can you repeat that? I
15 didn't get the question. This is the court reporter. Thank
16 you.

17 MR. JOHNSON: Sure.

18 Q BY MR. JOHNSON: Was it also the vehicle that was used to
19 pick up mail from the mailbox?

20 A Yes, sir.

21 Q Okay. I'm sorry, I didn't hear how many days a week the
22 mailbox -- that mailbox is visited.

23 A It's six-day-a-week mail service.

24 Q I don't have any further questions. Thank you very much
25 for your time.

1 HEARING OFFICER MEYERS: Any -- any recross, Mr. Rouco?

2 MR. ROUCO: Yes. Yeah, I have a few questions.

3 **RECROSS-EXAMINATION**

4 Q BY MR. ROUCO: Ms. Rhoten-Coleman, Amazon was the -- well,
5 let me rephrase this. Is it your understanding that Amazon was
6 the party that requested the installation of a cluster box?

7 MR. JOHNSON: Asked and answered.

8 A I'm not sure.

9 HEARING OFFICER MEYERS: I'm sorry, Mr. Johnson.

10 MR. JOHNSON: I'm sorry.

11 HEARING OFFICER MEYERS: I couldn't hear your objection.

12 You're -- you're not coming very loud. Is there any way to --

13 MR. JOHNSON: Asked and answered.

14 HEARING OFFICER MEYERS: Did you object?

15 MR. JOHNSON: Yes, I did object; I said, "Asked and
16 answered". The witness has already answered, so.

17 HEARING OFFICER MEYERS: Okay. So then I will overrule
18 your objection.

19 Q BY MR. ROUCO: Did anyone at the post office tell you that
20 it was the post office's idea to install the cluster box out
21 front of the BH1 -- BHM1 property?

22 A I wasn't aware of any of that conversation.

23 Q Okay. Well, do you know who Linda Mercer is?

24 A No, sir.

25 Q Do you know Julie Greer is?

1 A No, sir.

2 Q Okay. So sitting here today, you really don't know why
3 that cluster box was installed out in front of BHM1; is that
4 correct?

5 A That's correct, other than the security issue -- that I
6 know of.

7 Q Okay. The security issue that you know of? I'm not sure
8 what you -- what -- what are you referring to?

9 A Where I stated that the carrier had to go to the back of
10 the facility.

11 Q But did the -- is it correct that the post office never
12 approached Amazon about that security issue; isn't that right?

13 MR. JOHNSON: Foundation.

14 HEARING OFFICER MEYERS: Overruled.

15 Q BY MR. ROUCO: Am I correct, Ms. Rhoten-Coleman, that
16 while you were the officer in charge from October through
17 February, you'd never approached Amazon about the security
18 issue that you've just testified to; is that right?

19 A No, I -- the procedure is I tell my boss, which I -- I'm
20 not sure how that conversation went, but I told my boss.

21 Q Okay. Would it surprise you -- I'm sorry, you told your
22 boss. And who was that?

23 A Stephanie.

24 Q And do you know whether Stephanie Johnson ever approached
25 Amazon about the security issue that you're testifying to here

1 today?

2 A I can't speak on that, I'm not sure.

3 Q You didn't -- did you see any emails coming from Stephanie
4 Johnson to Amazon personnel about the security -- the security
5 issue that you're talking about to -- about today?

6 A No, sir.

7 Q Would it surprise you to learn that it was Amazon that
8 actually requested the installation of a mailbox in January of
9 2021?

10 A I'm not -- I mean, what -- I'm not sure what you mean by
11 "surprise". I mean, customers request, or they don't, you
12 know? I'm not sure what you mean by "surprise".

13 Q Okay. Well, the -- the -- would you agree that it was
14 Amazon's request that a cluster box be installed at the front
15 of BHM1 in January of this year?

16 MR. JOHNSON: Foundation. She's already test -- asked and
17 answered, too.

18 HEARING OFFICER MEYERS: I'm going to -- I'm going to
19 sustain the objection. It was asked and answered.

20 MR. ROUCO: Okay. In the sense that she doesn't know,
21 right?

22 HEARING OFFICER MEYERS: It's been asked and answered.

23 Q BY MR. ROUCO: So you're the -- you were the person -- you
24 were the officer in charge of that facility from October
25 through February, and you don't know why a cluster box was

1 installed at BHM1; is that correct?

2 A That's correct.

3 Q Okay. I have nothing further.

4 MR. JOHNSON: Can I confer --

5 HEARING OFFICER MEYERS: Any redirect?

6 MR. JOHNSON: Can I confer for like, five seconds?

7 HEARING OFFICER MEYERS: You can.

8 MR. JOHNSON: I have no further questions. Thank you very
9 much, Ms. Coleman.

10 HEARING OFFICER MEYERS: Yeah, thank you very much for
11 coming in, Ms. Coleman, we app -- or Ms. Rhoten-Cole --
12 Coleman -- we appreciate your time.

13 Also, for the record, I'd like to identify Dallas
14 Kingsbury as counsel for the U.S. Postal Service representing
15 Ms. Rhoten-Coleman today. And he doesn't need to make an
16 appearance, just -- I just want to note that he was here and
17 present for the hearing.

18 And thank you very much, Ms. Rhoten-Coleman. Just because
19 the rule of sequestration is in effect, please don't discuss
20 your testimony with anyone. You are subject to recall,
21 although I doubt that you will be recalled. Thank you again
22 for your time.

23 And thank you, Mr. Kingsbury. We appreciate y'all coming
24 in.

25 THE WITNESS: Thank you.



1 HEARING OFFICER MEYERS: Thank you.

2 All right. And Mr. Johnson, you -- you had some --

3 MR. JOHNSON: Can we talk about the preliminary matters
4 that became the post-first witness matters?

5 HEARING OFFICER MEYERS: Yes. I apologize again.

6 MR. JOHNSON: It's okay. It's okay.

7 So generally, just three things. One is -- and I would
8 extend compliments to Petitioner's counsel because we have had
9 a conversation off the record starting this morning about this
10 in terms of some exhibits. And this is all in the nature of
11 trying to streamline this so we don't have to call witnesses
12 and take more hearing officer time and all that. I believe
13 that the Petitioner has agreed to the extent that Exhibits 80,
14 81, and 84 are not in, that we can admit those into evidence.

15 Also, there are some new exhibits that are labeled 112 to
16 115, which were Jefferson County documents, and also -- also
17 demonstratives that we can admit into evidence. And I'm -- I'm
18 happy to do that, you know, on the record after we're done with
19 this, but I just want to bring that up.

20 HEARING OFFICER MEYERS: What are they demonstrative of?

21 MR. JOHNSON: It's demonstrative of election duration time
22 before the NLRB from official NLRB statistics.

23 HEARING OFFICER MEYERS: So these are not for the county,
24 these are -- okay.

25 MR. JOHNSON: Two are from the county; two are

1 demonstrative.

2 HEARING OFFICER MEYERS: Two are for the county; the
3 demonstrative are not from the county?

4 MR. JOHNSON: Correct. And --

5 HEARING OFFICER MEYERS: Where are they from?

6 MR. JOHNSON: 80 -- well, we created them.

7 MR. DAVIES: 112 through 115 -- I'm just looking at them
8 now -- they appear to be from the county. I haven't -- okay.

9 MR. JOHNSON: No.

10 MR. DAVIES: All right. I see. Yeah. For some reason I
11 thought those were labeled a different number.

12 MR. JOHNSON: Right, when we originally discussed them
13 with you, George, they hadn't been numbered yet, so we just
14 numbered them with -- with the (indiscernible, simultaneous
15 speech).

16 MR. DAVIES: Okay.

17 HEARING OFFICER MEYERS: So and is that -- is it correct
18 that the Union is willing to stipulate to the admissibility of
19 these?

20 MR. DAVIES: Let me just -- I'm sorry, just double check
21 here, make sure I'm looking at the same thing.

22 HEARING OFFICER MEYERS: So how -- can we not --

23 MR. DAVIES: Yes.

24 HEARING OFFICER MEYERS: -- split up --

25 MR. DAVIES: Yes.

1 HEARING OFFICER MEYERS: Okay. Okay. Hold on. So
2 Employer's 114 is just a --

3 MR. JOHNSON: It's a demonstrative.

4 HEARING OFFICER MEYERS: And what is the purpose of -- of
5 114 and 115?

6 MR. JOHNSON: Well, there's going to be some argument
7 about the time of the election compared to other elections;
8 these are the -- the -- how the legal test should be applied,
9 and this just simply shows the length of the voting period in
10 the Amazon election versus the agency average statistics.

11 HEARING OFFICER MEYERS: I will -- if -- with the Union's
12 agreement, I will allow it -- I will allow it in evidence. I
13 will take it for what I deem it to be worth.

14 115 is the same, I'm guessing, to 19 -- to 20. Okay.

15 Any objection to those? We are on the record, but we will
16 go through these formerly. Any objections to 112 through 114
17 from the Union?

18 MR. DAVIES: No.

19 HEARING OFFICER MEYERS: Okay.

20 And but you said there were three things, that's two
21 things, or did I miss something?

22 MR. JOHNSON: Well, I just want to make sure we got 115
23 in, too, because I heard you just say 112 through 114.

24 HEARING OFFICER MEYERS: I'm sorry, did I say 114? I
25 meant 115.

1 MR. JOHNSON: Okay, so are 112 through 115 in evidence
2 now?

3 HEARING OFFICER MEYERS: I have not admitted them. I
4 was -- you were going through all three things so I was waiting
5 for -- have we hit one or two or --

6 MR. JOHNSON: This is -- topic one is just exhibits to
7 enter in. We also have 80, 81, and 84.

8 HEARING OFFICER MEYERS: Right.

9 MR. JOHNSON: We've -- we've agreed.

10 HEARING OFFICER MEYERS: So that's topic one? What's --

11 MR. JOHNSON: Right.

12 HEARING OFFICER MEYERS: Let's go ahead and take care of
13 that.

14 Is there any objection to 80, 81, and 84?

15 MR. DAVIES: Just -- not on 80, no; not on 81; and looking
16 at 84, no, no objection. 80 --

17 HEARING OFFICER MEYERS: Right.

18 MR. DAVIES: -- 81, and 84; is that --

19 MR. JOHNSON: Yes, sir.

20 MR. DAVIES: Okay. All right.

21 HEARING OFFICER MEYERS: All right. And with that,
22 Exhibits 80, 81, 84, 112, 113, 114, and 115 are admitted.

23 **(Employer Exhibit Numbers 112, 113, 114 and 115 Received into**
24 **Evidence)**

25 HEARING OFFICER MEYERS: Next?

1 MR. JOHNSON: That is great.

2 Next topic, and this goes to your general jurisdiction
3 about relevant issues and things like that. We're trying to
4 figure out whether we need to call a fan witness tomorrow. And
5 my understanding of the record is there's been testimony about
6 fans that happened in April 2021. After the election is over,
7 the fans were mentioned in the objections. Were they ARD's
8 (phonetic throughout) original order or the L -- ARD's
9 (indiscernible) supplemental order? And so the question is are
10 fans in the case or out of the case at this point?

11 HEARING OFFICER MEYERS: Mr. Davies?

12 MR. DAVIES: I'm going to need to confer with Mr. Rouco on
13 that.

14 MR. JOHNSON: Yeah, that -- I mean, that's fair. We just
15 need to get an answer to figure out what to do next.

16 HEARING OFFICER MEYERS: They are not specifically
17 mentioned, but there are benefits that are specifically
18 identified and -- but let me know, Mr. Davies.

19 When were they installed? Was the testimony -- Mr.
20 Johnson, you said there was -- I thought there was testimony
21 that it was earlier?

22 MR. JOHNSON: Well, my -- and forgive me, I mean, I had to
23 review some of the transcript, I cannot represent to you I've
24 reviewed everything line by line. What my recollection was is
25 the testimony related to April 2021.

1 HEARING OFFICER MEYERS: Okay, I thought -- I thought it
2 was earlier.

3 But Mr. Davies, could you guys discuss that during the
4 next break, and we will -- and let us know?

5 MR. DAVIES: Yes.

6 HEARING OFFICER MEYERS: Excellent.

7 MR. DAVIES: Okay.

8 HEARING OFFICER MEYERS: And number three?

9 MR. JOHNSON: And then the last thing just to give the --
10 you and the Petitioner an idea of where the case is, I think,
11 you know, certainly the fan would be a additional witness. We
12 are going to likely have some witnesses that we have to call
13 under subpoena Wednesday morning, but we'll be done by late
14 Wednesday morning, and so the Union can put on its rebuttal
15 case then. I just wanted to give you the heads up.

16 HEARING OFFICER MEYERS: So we're not going to be done on
17 Tuesday.

18 MR. JOHNSON: No, I don't think so.

19 HEARING OFFICER MEYERS: Okay. Excellent. But we'll be
20 done on Wednesday.

21 MR. JOHNSON: Yes, I am very confident that we will be
22 done on Wednesday.

23 HEARING OFFICER MEYERS: But last week you were confident
24 that we'd be done on Tuesday so.

25 MR. JOHNSON: I will try --

1 HEARING OFFICER MEYERS: But that's --

2 MR. JOHNSON: -- not -- not to -- not to go further than
3 Wednesday late morning.

4 HEARING OFFICER MEYERS: Excellent. Excellent. And so,
5 Mr. Davies, on the Union, if you guys would make a
6 determination whether, and make arguments as to why we should
7 accept evidence regarding the installation of the fan after --
8 I mean -- well, you can do that after our next long break,
9 lunch, whatever.

10 Mr. Johnson, how long is your next witness?

11 MR. JOHNSON: Our next witness is probably 50 minutes to
12 an hour.

13 HEARING OFFICER MEYERS: Of direct?

14 MR. JOHNSON: Correct.

15 HEARING OFFICER MEYERS: Okay. Why don't we put him on
16 and we'll see how far we get. And then, we'll take a lunch
17 prep break again because Mr. Rouco likes those so much. Can
18 you call your next witness, please?

19 MR. JOHNSON: Yes. I don't know if he's in the lobby yet,
20 but we would call Ben Mansbach.

21 HEARING OFFICER MEYERS: Don't see him in the lobby. Can
22 you check --

23 MR. JOHNSON: You may --

24 HEARING OFFICER MEYERS: -- on that?

25 MR. JOHNSON: Yes. If we take five minutes, we can --



1 HEARING OFFICER MEYERS: Yes.

2 MR. JOHNSON: -- get him in here.

3 HEARING OFFICER MEYERS: We'll go off the record until
4 11:15 a.m. Central Time.

5 MR. JOHNSON: Thank you, Hearing Officer.

6 (Off the record at 11:10 a.m.)

7 HEARING OFFICER MEYERS: Mr. Johnson, can the Employer
8 call its next witness, please?

9 MR. JOHNSON: The Employer calls Ben Mansbach.

10 HEARING OFFICER MEYERS: Mr. Mansbach, thank you for
11 coming in today. Can you raise your right hand, please?
12 Whereupon,

13 **BENJAMIN MANSBACH**

14 having been duly sworn, was called as a witness herein and was
15 examined and testified, telephonically as follows:

16 HEARING OFFICER MEYERS: Thank you. Mr. Johnson.

17 MR. JOHNSON: Thank you, Madame Hearing Officer.

18 **DIRECT EXAMINATION**

19 Q BY MR. JOHNSON: So Mr. Mansbach, can you please state and
20 spell your name for the record for the benefit of the court
21 reporter?

22 A Yes, it is Benjamin Mansbach. That's B-E-N-J-A-M-I-N, and
23 Mansbach, M-A-N-S-B-A-C-H.

24 Q I understand you were sick last week, Mr. Mansbach. Are
25 you feeling better today?

- 1 A I am. Thank you.
- 2 Q Are you capable of fully and accurately testifying today?
- 3 A I am.
- 4 Q All right. Who's your current Employer?
- 5 A It is Amazon in the Career Choice team, specifically.
- 6 Q Okay. Let me ask you, going back to -- how long have you
7 worked for Amazon overall?
- 8 A Since July 17 of 2017.
- 9 Q Okay. And where is your typical location at Amazon?
- 10 A I work out of Amazon's headquarter corporate offices in
11 Seattle. I'm based in --
- 12 Q Okay.
- 13 A -- Everett, Washington at the moment.
- 14 Q Okay. And you say you're based in Everett, Washington at
15 the moment. Are you basically remoting in from Everett,
16 Washington?
- 17 A Yes, I am.
- 18 Q Okay. And there's nobody else in the room with you,
19 right?
- 20 A No.
- 21 Q And you have --
- 22 A That's correct.
- 23 Q -- no notes or documents, right?
- 24 A That's correct.
- 25 Q What's your current job title, sir?

1 A It is senior program manager with Career Choice.

2 Q And how long have you held that position as senior program
3 manager with Career Choice?

4 A Since December of 2019.

5 Q And what other positions before that have been held with
6 Amazon since you were first employed in 2017?

7 A Yeah, I was -- prior to my current role, I was a senior
8 product manager and that was with Amazon Retail. In a position
9 prior to that, I was a senior program manager with Amazon
10 Physical Retail. And then at one prior role before that, I was
11 a category merchant manager and that was also with Amazon
12 Retail.

13 Q So let's go back to your current position as senior
14 program manager with Career Choice. On that -- in that
15 position, what are your primary job responsibilities?

16 A They're -- they're two fold. So for -- with Career
17 Choice, I support the employees who are graduates of our Career
18 Choice programs in finding their next career-oriented job
19 opportunities, primarily outside of Amazon. And then
20 secondarily, I'm also the central owner of The Offer program.

21 Q Okay. When you say central owner, are you responsible for
22 the maintenance of the terms of The Offer program?

23 A Yes, I am.

24 Q Okay. Are -- do you have general knowledge of the numbers
25 of employees who accepts The Offer in The Offer program?

1 A I do, yes.

2 Q Okay. What is Career Choice? You testified a -- a little
3 bit about it. But can you explain it for the benefit of the
4 hearing officer?

5 A Yeah. Sure. Career Choice is a -- an Amazon benefit.
6 And it's an upskilling and outplacement program for Amazon
7 employees. Amazon prepays 95 percent of tuition, up to \$3,000
8 a year or \$12,000 lifetime for employees to get training and
9 education and new skills for in-demand careers with the
10 objective of supporting graduates of those programs and
11 launching new careers in the areas that they trained with an --
12 opportunities outside of Amazon primarily.

13 Q Can you give some examples of such types of careers or
14 roles that someone can take Career Choice to study for?

15 A Yeah, in -- in the U.S., the types of roles or career
16 pathways fall into five primary industries. So one is health
17 care, where we train in pathways such as registered nurses and
18 medical assistants. The second is IT. Folks can train to be
19 web developers or computer support specialists, for example.
20 Third is skilled trades. A few example roles there would be
21 aircraft mechanics, HVAC technicians, automotive mechanics.
22 The fourth industry would be business services and
23 administration. An example pathway within that field of study
24 would be paralegal or legal assistant track. And then fifth is
25 transportation with commercial driver li -- commercial driver

1 license as the -- the pathway within that field.

2 Q Now, those five pathways you described, five fields, are
3 those -- are the courses in Career Choice to prepare for jobs
4 at an Amazon company in those pathways or some company
5 elsewhere?

6 A The design of the program is to prepare employees for
7 careers beyond Amazon. So with employers outside of Amazon, so
8 not Amazon specifically, no.

9 Q Okay. Why is Amazon funding tuition for Amazon employees
10 for future jobs that are not at Amazon?

11 A There's a couple of reasons. So one is there -- it's a
12 recognition that for -- for some folks, Amazon is going to be a
13 long-term employer, but for others, Amazon's a stepping stone
14 in their careers. And we want to be partners for all of our
15 employees, regardless of whether they're pursuing a long-term
16 career with us or if we're a step along their professional
17 journey. And then, too, we also want to be responsible and
18 productive partners in the communities where we operate. And
19 Career Choice is one aspect of that broader effort of
20 supporting our employees and gaining new skills to join other
21 companies in the communities where we operate. And it's part
22 of the -- the philosophy of the way that we work with educators
23 as well in our network of Career Choice programing.

24 Q Okay. Does Amazon maintain any document on its internal
25 site, website, that contains the terms of Career Choice that

1 you're talking about?

2 A Yes, we do.

3 MR. JOHNSON: Can we have 85, Madame Hearing Officer,
4 please?

5 HEARING OFFICER MEYERS: I'm sorry, 85?

6 MR. JOHNSON: Yes. Exhibit 85 -- Employer Exhibit 85.

7 HEARING OFFICER MEYERS: Madame Bailiff, can you put up
8 exhibit -- Employer's Exhibit 85?

9 MS. MILLER: Working on it now. Just give me one moment
10 here. All right. You should all be able to see this. Let me
11 know if you can't.

12 Q BY MR. JOHNSON: Can you see that, Mr. Mansbach?

13 A Yes, I can. Thanks.

14 Q Okay. Are you --

15 MR. JOHNSON: Can you just scroll down to the next page,
16 just so he can see that, too? I think it's a few paper. Okay.
17 Thank you, Madame Bailiff. Oh, it's a three pager. We can
18 just skip back to the first page.

19 Q BY MR. JOHNSON: You recognize this document, Mr.
20 Mansbach?

21 A Yes, I do.

22 Q What is it?

23 A It is the overview of the Career Choice program discussing
24 what the program is and how it works with additional details
25 of -- of the program itself.

1 Q Okay. Are these the basic terms of the Career Choice
2 program that you can see here in Employer Exhibit 85?

3 A Yes, they are.

4 Q Okay.

5 MR. JOHNSON: I move for Employer 85 to be admitted into
6 evidence.

7 HEARING OFFICER MEYERS: Mr. Davies, any objection to
8 Employer's 85?

9 MR. DAVIES: No objection.

10 HEARING OFFICER MEYERS: Employer's 85 is admitted into
11 evidence.

12 **(Employer Exhibit Number 85 Received into Evidence)**

13 MR. JOHNSON: Thank you, Madame Hearing Officer.

14 Q BY MR. JOHNSON: So Mr. Mansbach, is there any connection
15 in terms of eligibility between the Career Choice program and
16 The Offer?

17 A Yes, they both share in common that employees are eligible
18 for The Offer and Career Choice after one year of continuous
19 employment or one year of continuous service with Amazon. And
20 they both apply to Level 1 through Level 4 hourly employees.
21 And then, additionally, graduates of Career Choice education
22 programs are eligible to accept The Offer within 90 days of
23 their program completion on a rolling basis.

24 Q Okay. And you mentioned Level 1 through Level 4
25 employees. Just so the record's clear, does the Career Choice

1 apply to Tier 1 and Tier 3 employees?

2 A Yes, it does.

3 Q Okay. Does The Offer apply to Tier 1 and Tier 1 -- Tier

4 1 --

5 A Yes.

6 Q -- Tier 3 employees?

7 A Yes, it does.

8 Q Okay. And why are they con -- why is The Offer and Career
9 Choice connected in the fashion where if you finish Career
10 Choice, then you become eligible for The Offer?

11 A They share the common objective of supporting employees in
12 pursuing their career aspirations. And in this case in
13 pursuing their career -- career aspirations that would be
14 beyond Amazon.

15 Q Okay. We talked a little bit about -- around the edges of
16 The Offer program. But what is The Offer? What is this
17 program?

18 A Sure. Yeah. So The Offer program is that -- it's a
19 voluntary resignation program. And it's designed to support
20 eligible employees in the form of a one-time cash payment in
21 pursuing their next opportunity.

22 Q When did Amazon first make The Offer available to its
23 employees?

24 A In the first quarter of 2014.

25 Q Was it known as The Offer at that time?

1 A No, it was originally introduced under the title Pay to
2 Quit.

3 MR. JOHNSON: Can we, Madame Hearing Officer, can we
4 please have Exhibit 86 up on the screen, Employer Exhibit 86?

5 HEARING OFFICER MEYERS: Madame Bailiff, can you change to
6 86, please?

7 MR. JOHNSON: Okay. And this is a long document, so you
8 should probably scroll through it. And Madame Bailiff, there's
9 a letter that's actually attached to this letter. So it's two
10 letters.

11 Q BY MR. JOHNSON: But Mr. Mansbach, after you've reviewed
12 enough of this, tell me when you're ready to testify about it.

13 A Okay. I --

14 Q Okay.

15 A -- I'm comfortable with that.

16 MR. JOHNSON: You can scroll up, Madame Bailiff, to page
17 000072, which is page 3 of the first letter. Perfect.

18 Q BY MR. JOHNSON: So what is this document Employer's
19 Exhibit 86?

20 A It is the annual letter to shareholders.

21 Q Shareholders of who?

22 A Of Amazon stock.

23 Q Okay. And when -- what date was this let -- when was this
24 letter circulated?

25 A It was circulated in I believe it was April of 2014. The

1 title is -- it's the 2013 letter to shareholders.

2 Q Okay. And does the Pay to Quit program appear anywhere in
3 this letter?

4 A It does in the section titled Employee Empowerment.

5 Q Okay.

6 MR. JOHNSON: If we can scroll down a little bit, maybe
7 two, three paragraphs, Madame Bailiff? Thank you. Okay.

8 Q BY MR. JOHNSON: So can you identify what's on your screen
9 right now, which is page 3 of this letter -- and the Bates
10 stamp is 00000072 -- where Pay to Quit is?

11 A Yes, it's on the third paragraph in the Employee
12 Empowerment section.

13 Q Is that the -- the paragraph that starts, "The second
14 program is called Pay to Quit"?

15 A Yes.

16 Q All right. Is that the first time The Offer program was
17 introduced?

18 A At it -- yes. At Amazon, yes.

19 MR. JOHNSON: We can take this down and I'd like to move
20 86 into evidence.

21 HEARING OFFICER MEYERS: Any objection to the receipt of
22 Employer's 86?

23 MR. DAVIES: No objection.

24 HEARING OFFICER MEYERS: And did we move 85 into the
25 record?

1 MR. JOHNSON: I thought we did, but I'll be extra --

2 MR. DAVIES: I --

3 MR. JOHNSON: -- careful.

4 MR. DAVIES: -- I think so. Yes.

5 HEARING OFFICER MEYERS: Okay. We may have. I just -- I
6 ran out of space on my checklist. So I was -- I was recreating
7 the checklist at the time. If we did not, 85 is -- is admitted
8 into evidence.

9 MR. JOHNSON: Thank you, Madame Hearing Officer. We
10 can -- we can take this down, but we'll be on 87 next, so let's
11 just leave it up.

12 Q BY MR. JOHNSON: Has The Offer program been changed or
13 updated since this time in 2014?

14 A Yes, the program now goes by the name, The Offer, as
15 opposed to the name, Pay to Quit. And that's true both the way
16 we talk about it internally within the company as well as
17 externally. We refer to the program as The Offer.

18 Q Okay. Well, there -- have there been other changes or
19 updates besides the -- changing the title?

20 A The application of the program has expanded generally in
21 concert with Amazon's growth. For example, so there's new
22 businesses that participate in the program that didn't at the
23 outset.

24 Q Have further materials been created that describe the
25 program?

1 A Yes.

2 Q Okay. And is there a version of it currently, the current
3 program, on Amazon's internal website?

4 A Yes, there is.

5 MR. JOHNSON: Can we -- 87, which is under this letter,
6 can we scroll down --

7 HEARING OFFICER MEYERS: Can you show 87 --

8 MR. JOHNSON: -- to that?

9 HEARING OFFICER MEYERS: -- please, Madame Bailiff.

10 Q BY MR. JOHNSON: I think it's a few pages. So if you just
11 can see it. And tell me when you're ready to testify about it,
12 Mr. Mansbach.

13 A I'm -- I'm ready.

14 MR. JOHNSON: Okay. Can we scroll up a little but, not
15 all the way to page 1, but right -- this page is great. Thank
16 you.

17 Q BY MR. JOHNSON: So on this page, which is -- should be
18 page 4 of the document. Do you see that line that says, "For
19 policy reporting questions related to The Offer, contact Ben
20 Mansbach"?

21 A Yes, I do.

22 Q Okay. Is that Ben Mansbach you, Mr. Mansbach?

23 A Yes, it is.

24 Q Okay. And is it accurate that you answer policy or
25 reporting questions related to The Offer at Amazon?

1 A That is accurate. Yes.

2 MR. JOHNSON: And can we scroll back up to the top,
3 please, Madame Bailiff? Thank you.

4 Q BY MR. JOHNSON: So what is this document designed to do?

5 A It's designed -- so the audience of this would be HR and
6 site managers. And it's designed to provide an overview of The
7 Offer program including how it works, what the conditions are
8 as well as it provides details on how to execute the program
9 for HR employees who would be processing acceptance on behalf
10 of eligible employees. And it also links to FAQs and other
11 related materials to support in the -- the operations of the
12 program.

13 Q Okay. Is this the information contained in Employer
14 Exhibit 87 accurate as to what details there are of The Offer
15 in the year 2021?

16 A Yes, it is.

17 Q Okay. On page 1, you can see the question, "How does this
18 program work"? Do you see that question, Mr. Mansbach?

19 A Yes.

20 Q Okay. And it says, "Associates can take advantage of The
21 Offer, colon," and then, the -- the first bullet point there is
22 "During the annual company-wide announcement". And my question
23 for you is, is this a company-wide program, The Offer?

24 A Yes, it is a company-wide program.

25 Q Okay. And does this document get distributed to

1 employees, this particular document that's encapsulated in 87?

2 A No, it does not.

3 Q Okay. And let me ask you a few questions about the terms
4 of The Offer. Are the basic terms of The Offer contained in
5 this document?

6 A Yes.

7 Q Is there anything in these terms about encouraging
8 employees who favor unionization to take The Offer?

9 A No, there is not

10 Q Is the word union mentioned in any of the terms and
11 conditions presented in this document?

12 A No.

13 Q Whether an employee favors or disfavors unionizing Amazon,
14 does that affect eligibility for The Offer?

15 A It does not. No.

16 Q Does The Offer depend on an employee's beliefs?

17 A No, it does not.

18 Q What are the eligibility requirements for The Offer?

19 A Employees need to have one year of continuous service with
20 the company. And then either be Level 1 through Level 4 hourly
21 or Tier 1 or Tier 3 as referenced earlier.

22 Q Okay. And do they have to work a certain amount of time
23 or a certain interval, employed over a certain interval?

24 A December 1st is the key -- is a key date. And in that
25 impacts what we refer to as number of peaks, which is a factor

1 in the payout amount that employees would be entitled to under
2 this program.

3 Q Okay. Well, how specifically does December 1st relate to
4 the number of peaks calculated for purposes of this program?

5 A Sure. So being employed on or before December 1st is the
6 definition of one peak or a peak.

7 Q Okay. Is The Offer program only available to BHM1 --
8 employees who are employed at BHM1 or is it available to other
9 customer fulfillment centers?

10 A It's available to other customer fulfillment centers.

11 Q Okay. Is it available to employees at those other
12 customer fulfillment centers?

13 A Yes, it is

14 Q Is the program only available to Amazon employees at
15 Amazon customer fulfillment centers?

16 A No, it is also available to employees at other sites, such
17 as customer service centers, sort centers, delivery stations,
18 among other -- other facilities.

19 Q Are employees at Amazon physical stores eligible for this
20 offer if they otherwise fulfill the eligibility requirements
21 you've described?

22 A Yes, they are.

23 Q Are you aware of any fulfillment center sites in North
24 America that have ever been left out of The Offer programs
25 since its existence?

1 A No, I'm -- I'm not aware of any.

2 Q And you testified a little bit about this, but when
3 specifically is The Offer made available to employees? Is it
4 any time they want or is it some -- there -- there are some
5 other conditions?

6 A No, it's made available one time annually in the first
7 quarter of the year. Typically, The Offer opens in -- in
8 February and closes in March.

9 Q Okay. And we've been talking about that enrollment period
10 or that open period, how long generally is it?

11 A Generally, it's about three weeks.

12 Q And then, you mentioned Career Choice. Is that the other
13 eligibility or the other availability period?

14 A Yes, it is.

15 Q And how long after someone completes Career Choice is The
16 Offer available to them?

17 A For 90 days.

18 Q Okay. Is that 90 days from graduation of Career Choice or
19 90 days from some other date?

20 A From graduation or program completion or program
21 completion date.

22 Q Okay. And you -- let's talk again about the enrollment
23 period, the general enrollment period. Do you --

24 A Sure.

25 Q -- refer to that as open enrollment or something else?

1 A Yes, open enrollment.

2 Q What time of year is open enrollment, generally? Well,
3 actually, you've covered that. So am I correct to say that
4 open enrollment is generally February to March, but it could
5 change depending on the year?

6 A Yes. That is -- that's accurate.

7 Q Okay. And why do you -- does Amazon schedule this open
8 enrollment period during that time of the year versus the
9 second quarter or the third quarter or the fourth quarter?

10 A Primarily because it's a good time within the operational
11 calendar to run a program of this nature. We want to ensure
12 that we offer it at a time when it is not the busiest
13 operational season, which for North America, for the United
14 States specifically is in the fourth quarter, November,
15 December of the year. So that's one reason. And -- and then
16 it's also a good opportunity coming off of that, what we call
17 peak for employees to just take a moment and -- and think about
18 their careers and think about what they want.

19 MR. JOHNSON: Okay. Can we actually move 87 into
20 evidence?

21 HEARING OFFICER MEYERS: Any objection?

22 MR. DAVIES: No objection.

23 HEARING OFFICER MEYERS: 87 is received into evidence.

24 **(Employer Exhibit Number 87 Received into Evidence)**

25 Q BY MR. JOHNSON: All right. Is the enrollment period the



1 same for all customer fulfillment sites in North America?

2 A Yes, it is.

3 Q Would it be the same for all customer fulfillment centers
4 in the United States, like BHM1?

5 A Yes.

6 Q Okay. In 2021, when was the enrollment period?

7 A It opened on February 24th, and it closed on March 16th.

8 Q Okay. And in 2021, when was the enrollment period for
9 North American customer fulfillment sites, generally?

10 A You said in -- do you mind repeating --

11 Q Yeah.

12 A -- the question?

13 Q Sure. Well, we're still in 2021, and you testified
14 February 24 to March 16, did that apply to all cust -- North
15 American customer fulfillment sites? You're froze.

16 MR. JOHNSON: Madame Hearing Officer, can you see --

17 HEARING OFFICER MEYERS: Yes.

18 MR. JOHNSON: -- Mr. Mansbach?

19 HEARING OFFICER MEYERS: I can see him, but we -- it looks
20 like he just moved. No, maybe not. Mr. Mansbach, if you can
21 hear us -- I think he's frozen. Let's give him a few minutes.
22 It may come back. Sometimes it does that.

23 MR. DAVIES: It's frozen from my -- from my viewpoint, he
24 looks frozen.

25 MR. JOHNSON: Maybe we take five minutes and I'll see if

1 he can --

2 HEARING OFFICER MEYERS: Hold on.

3 MR. JOHNSON: -- oh, wait, wait.

4 HEARING OFFICER MEYERS: Maybe --

5 MR. JOHNSON: It looks like --

6 HEARING OFFICER MEYERS: It looks like --

7 MR. JOHNSON: -- he's coming back.

8 HEARING OFFICER MEYERS: Give him a few minutes and see if
9 he shows back up. There we go.

10 THE WITNESS: Sorry about that.

11 HEARING OFFICER MEYERS: That's okay.

12 THE WITNESS: Looks like my internet cut for a moment. Is
13 my camera back on?

14 Q BY MR. JOHNSON: Your camera --

15 HEARING OFFICER MEYERS: No.

16 Q BY MR. JOHNSON: -- is not back on. Are you in the best
17 area of your location to get internet.?

18 A What -- I believe so. Yeah. There might be one more area
19 that might be slightly better, but if this happens again, I
20 can -- I can move to that location.

21 Q Sure. Okay. So just to go back before the technical
22 difficulty, in 2021, when was the enrollment period at North
23 American customer fulfillment sites for The Offer?

24 A It was February 24th through March 16th. It's --

25 Q Okay. What --

1 A -- the same with all sites.

2 Q Okay. Great. That's what I was going to ask you.

3 A Okay.

4 Q Is that timing generally consistent with the enrollment
5 periods for past years?

6 A Yes.

7 Q Okay. Do you know the enrollment periods from past years
8 in terms of your work with The Offer?

9 A Yes, I am -- I -- I generally either was involved with
10 them or tracked those dates through program records as -- as
11 part of my role as the -- as the central owner of the program.
12 So, yes.

13 Q Okay.

14 MR. JOHNSON: So we have 88 up on the screen, please?

15 HEARING OFFICER MEYERS: Madame Bailiff, can you put up
16 88, please?

17 Q BY MR. JOHNSON: And let me represent, this is bond
18 certificate exhibit. Take a look at it, Mr. Mansbach, and tell
19 me if these open enrollment dates for The Offer are actually
20 accurate from 2016 to 2021.

21 A Yes, they are accurate.

22 MR. JOHNSON: Okay. I'd like to move 88 in.

23 HEARING OFFICER MEYERS: Any objections to 88?

24 MR. DAVIES: Is this based on his memory or is this based
25 on documents? I don't know if there's been a sufficient

1 foundation laid.

2 THE WITNESS: Is that a question for me?

3 HEARING OFFICER MEYERS: That is -- well, no. No. It's a
4 question for counsel. Thank you.

5 Mr. -- Mr. Johnson, what's your response? I'm -- I'm
6 looking --

7 MR. JOHNSON: Well --

8 HEARING OFFICER MEYERS: -- at the document itself to see
9 if we've got any underlying documents. And it doesn't appear
10 so.

11 MR. JOHNSON: No. I mean, he has testified that he
12 reviews program records, so he would be familiar with the
13 dates. And he's also, you know, been employed at least from
14 the 2019 period, which he's testified to the present.

15 HEARING OFFICER MEYERS: Right. But generally speaking,
16 the Union would be entitled to the underlying records upon
17 which this was based. Has that been provided?

18 MR. JOHNSON: Well, we didn't get asked for the documents
19 going back that far. So I don't believe we have given them
20 anything related to 2019 through 2016.

21 HEARING OFFICER MEYERS: Yes. So this is demonstrative
22 evidence. This is -- this is voluminous records. And you
23 can't -- you can't create a spreadsheet without providing the
24 underlying records to the Union. So -- absent the Union's --

25 MR. JOHNSON: Well, let --

1 HEARING OFFICER MEYERS: I'm sorry. Absent the Union's
2 agreement to put this in the record, I'm not going to allow it
3 in the record.

4 MR. JOHNSON: Okay. Well, I take it, George, you're
5 objecting to this exhibit; am I right?

6 MR. DAVIES: Yeah. Yes, I mean, I think he could testify
7 only from his -- his memory of being the, quote, owner of the
8 program for the last two years. But I don't think he --

9 MR. JOHNSON: Okay.

10 MR. DAVIES: -- can -- you know, without the underlying
11 documents, you know, we're just -- we -- we can't based on --

12 MR. JOHNSON: Okay.

13 MR. DAVIES: -- on that representation.

14 MR. JOHNSON: All right. Well, we'll -- we'll see what we
15 can do in -- off the record in -- in between the hearing dates
16 of the case. Let's take this down, Madame Bailiff.

17 Q BY MR. JOHNSON: Let me just ask you what you know. In
18 2020, what's your best recollection of the -- how long the --
19 when the enrollment period was?

20 A It -- in 2020, the open enrollment for North America
21 opened on February 10th and extended until March 1st.

22 Q Okay. Do you recall any other dates of 2019 open
23 enrollments, 2018, 2017, and so on? Do you remember any of
24 those?

25 A Not those specific dates from -- from memory alone. No.

1 Q Okay. So in terms of the January through March time
2 frame, do you recall whether or not Amazon schedules open
3 enrollment generally during that time frame or not?

4 A Yes.

5 Q Okay. And why do -- does Amazon schedule open enrollment
6 during that time frame?

7 A One, so it doesn't interfere with the operations of -- of
8 the business. Quarter 1 is a relatively normal or slow time,
9 so it's -- it's appropriate from a business perspective. Two,
10 it's a good opportunity and a good moment for employees to --
11 to consider their career aspirations coming off a -- a -- a
12 very busy time. And then three, because the program's
13 available to tenured employees, we want to ensure that there's
14 also a consistency to when we offer it on an annual basis. And
15 so they can anticipate -- anticipate the open enrollment on a
16 year-over-year basis.

17 Q Okay. And through your personal knowledge -- given your
18 personal knowledge, has the open enrollment period for
19 fulfillment centers in North America ever occurred outside of
20 this Quarter 1 January through March time frame?

21 A No, it has not.

22 Q Are you involved with scheduling the dates for The Offer
23 in your present job or --

24 A Yeah.

25 Q -- sorry. Your --



1 MR. JOHNSON: Scratch that.

2 Q BY MR. JOHNSON: Are -- in your present job, are you
3 involved with scheduling dates for The Offer?

4 A Yes.

5 Q Okay. Did the scheduling for the 2021 enrollment period
6 for The Offer have anything to do with the Union election at --
7 at BHM1?

8 A No, it did not.

9 Q In selecting the February 24 to March 16 enrollment period
10 you testified about, did you intend to impact the Union
11 election at BHM1?

12 A No, we did not.

13 Q Okay. Does local management of any site have any say in
14 the scheduling of The Offer?

15 A No.

16 Q Would local management of BHM1 have such a say?

17 A No, they would not.

18 Q Does local management at BHM1 or any other sites have the
19 discretion to make The Offer available to Amazon employees
20 earlier or later?

21 A No, they do not.

22 Q Does local management at BHM1 or any other site have the
23 discretion to make The Offer available to employees who do not
24 meet the eligibility requirements that you have testified to
25 that are in the program terms?

1 A No, they do not.

2 Q Does local management at BHM1 or any other site have the
3 discretion to alter the amount of the cash payments under The
4 Offer program up or down?

5 A No.

6 Q Okay. Who does have the discretion to set those things or
7 change those things?

8 A They are set by corporate teams.

9 Q Did you say corporate teams?

10 A Yes, sir.

11 Q Are you on those teams?

12 A I am. Yes.

13 Q Okay. How is The Offer normally communicated to employees
14 in, you know, 2020 and the years before that from your personal
15 knowledge?

16 A Sure. Yeah. It -- it would be at the first quarter all-
17 hands meetings, which are in-person meetings for all employees
18 at a given site. So it -- for example, at a given customer
19 fulfillment center. And generally, site leadership would be
20 responsible for presenting at those all-hands events. And it
21 would be at that forum that The Offer open enrollment period
22 would be announced.

23 Q Did those all-hands meetings occur in the year 2021?

24 A They did not. Due to the COVID-19 global health pandemic,
25 those in-person all-hands meetings were not held this year.



1 Q Okay. So what did Amazon do to communicate The Offer to
2 Amazon employees instead?

3 A We used other on-site channels such as acid feeds
4 (phonetic), the TV screens with rotating messaging as well as
5 other posters and another -- channels available to us and --
6 and facilities.

7 Q Okay. Does local management, for example, at BHM1 draft
8 most of the basic communications to employees about The Offer
9 or are the communications drafted by some corporate team?

10 A No, all the communications are drafted centrally by a
11 corporate team called Operations Internal Communications.

12 Q Okay. And then, do those -- do those communications get
13 sent out to the local sites?

14 A Yes, they do.

15 Q And do the local sites -- are they able to choose, you
16 know, what sort of communications from that menu to use?

17 A No. They are generally asked and instructed to use the
18 materials as provided.

19 Q Okay.

20 MR. JOHNSON: Can we put up 89, please?

21 HEARING OFFICER MEYERS: Madame Bailiff.

22 MR. JOHNSON: And you can scroll down a little -- little
23 bit because it's more than one-page long.

24 Q BY MR. JOHNSON: Tell me when you're ready to talk about
25 this Mr. Mansbach.

1 A I'm --

2 Q Think we got --

3 A -- I'm ready. It looks like it's -- yes. I'm --

4 Q One more --

5 A -- I'm ready.

6 Q -- one more page up. Thank you, Mr. Mansbach. There we

7 go. Just get to the final end. There we go. So let me

8 represent this as an email, Exhibit 89. You -- did you have

9 any involvement with this document being created?

10 A Yes, I reviewed and was an approver of the content of --

11 of this message.

12 Q Okay. Did you say approver?

13 A Yes, sir.

14 Q And what was the purpose of this message -- this email?

15 A It was to communicate to HR and operations' managers the

16 2021 Offer open enrollment period to include details of the

17 cycle in 2021 and provide materials to them as well, so that

18 they're prepared to speak about the program to employees, so

19 they understand the -- the program and the terms.

20 Q And where is this Internal Operations Communications group

21 located?

22 A It is based out of Seattle.

23 Q Okay. And did this -- did it come to your attention that

24 this email was actually sent on February 15th, 2021?

25 A Yes, I confirmed with the teams that on this

1 communication, the Operations Internal Communications teams
2 that it was sent.

3 Q All right. And if you look, do you see the date, February
4 15th, 2021 down in the body?

5 A I do, yes.

6 Q Okay. And there is a -- across from that, it says US-CA-
7 L4 (phonetic) plus ops and HR managers. What does that mean or
8 signify?

9 A It refers to the recipients of this message U.S. and CA
10 stands for Canada. And then, Level 4 operations and HR
11 managers would be the recipient groups of this message.

12 Q So did this only go to HR and management?

13 A Correct. Yes, it did.

14 MR. JOHNSON: And if you scroll down a little bit --
15 actually, it's on the screen, so you can stop now, Madame
16 Bailiff. Thank you.

17 HEARING OFFICER MEYERS:

18 Q BY MR. JOHNSON: Do you see that the bottom of page
19 00000021 is the first page of this exhibit, Employer Exhibit
20 89, this "Share the talking points with associates on the floor
21 and please ensure social --

22 MR. JOHNSON: And I think it continues if you scroll a
23 little bit.

24 Q BY MR. JOHNSON: -- distancing is maintained," do you see
25 that?

1 A I do. Yes.

2 Q Were there talking points created --

3 A Yes.

4 Q -- that were attached to this?

5 A Yeah, they were hyperlinked in the term, talking points.

6 So yes.

7 Q Okay. And below that, there's another bullet point that
8 says, "Review the FAQ." Were there FAQs created in relation to
9 The Offer?

10 A Yes.

11 Q All right. And were -- was it just one or were there
12 several versions?

13 A There are several versions.

14 MR. JOHNSON: All right. So can I move Exhibit 89 into
15 evidence?

16 HEARING OFFICER MEYERS: Any objection to the receipt of
17 89?

18 MR. DAVIES: No objection.

19 HEARING OFFICER MEYERS: Employer's Exhibit 89 is received
20 into evidence.

21 **(Employer Exhibit Number 89 Received into Evidence)**

22 MR. JOHNSON: All right. And let's go to Exhibit 90.

23 HEARING OFFICER MEYERS: Madame Bailiff.

24 MR. JOHNSON: Thank you, Madame Hearing Officer.

25 Q BY MR. JOHNSON: Okay. I'm showing you now Employer

1 Exhibit 90, Mr. Mansbach, do you recognize this document?

2 A Yes, I do. These are the talking points that were
3 referenced in the prior exhibit and --

4 Q So I understand you, are these the talking points that
5 were referenced in Exhibit 89?

6 A Yes.

7 Q All right. What is this supposed to be?

8 A This is designed to prepare HR and managers on site to
9 talk about The Offer. So this is the general communication
10 guidelines for speaking about the program.

11 Q All right. And is there anything in here related to what
12 the purpose of The Offer is as explained to employees?

13 A Yes, the first bullet point speaks to that.

14 Q Can you read that into the record, please?

15 A Yeah, be glad to. It reads, "We're excited about the year
16 ahead and love that you're part of the team. We hope you are,
17 too, but also know you might have other personal and
18 professional goals outside of Amazon. If you do, we want to
19 help support you. That's why several years ago we introduced a
20 voluntary program called The Offer, which provides some
21 additional compensation to help you" -- excuse me -- "to help
22 with your transition if you decide you want to pursue other
23 opportunities."

24 Q All right. And is that the purpose of The Offer as it
25 exists currently at Amazon?

1 A Yes, it is.

2 MR. JOHNSON: Can we move 90 into evidence, Madame
3 Hearing --

4 HEARING OFFICER MEYERS: And --

5 MR. JOHNSON: -- Officer?

6 HEARING OFFICER MEYERS: Sorry about that. Any objection,
7 Mr. Davies?

8 MR. DAVIES: No objection.

9 HEARING OFFICER MEYERS: Number 90 is received into
10 evidence.

11 **(Employer Exhibit Number 90 Received into Evidence)**

12 MR. JOHNSON: Okay. And can we scroll down to 91, Madame
13 Hearing Officer?

14 HEARING OFFICER MEYERS: Madame Bailiff, can you scroll to
15 91, please?

16 Q BY MR. JOHNSON: Okay. And take a look at this and tell
17 me when you're ready to testify, Mr. Mansbach.

18 MR. JOHNSON: You may need to scroll down a little bit
19 more because it's -- think it's a two-pager.

20 A Yep. I'm familiar with that document.

21 Q BY MR. JOHNSON: Okay. And what is it? What is this
22 document?

23 A They are -- it's FAQs designed for HR and site managers.
24 And it's structured in a way that the bold part of each FAQ is
25 a common question that employees may have. And then, the

1 recommended response follows for -- for each of those
2 associated questions.

3 Q Okay. Was this a centrally-drafted communication that was
4 distributed to the Human Resources --

5 A Yes.

6 Q -- at the local -- sorry. Let me ask that again. Was
7 this --

8 A Okay.

9 Q -- a centrally drafted communication that was distributed
10 to Human Resources at the local sites?

11 A Yes.

12 Q Okay. And is the purpose of The Offer directly explained
13 employees anywhere in here?

14 A Yes. The first FAQ addresses the -- the purpose of The
15 Offer.

16 Q Okay. Can you read that one into the record, please?

17 MR. DAVIES: Objection. The document speaks for itself.
18 I don't think we need to read it into the record.

19 HEARING OFFICER MEYERS: I agree.

20 Mr. Johnson, why do we need to read it in? Can you --

21 MR. JOHNSON: That's -- that's fine.

22 Q BY MR. JOHNSON: You -- I -- I believe the witness
23 identified. Are you talking about the question and answer next
24 to number 1?

25 A Yes.

1 Q Okay.

2 MR. JOHNSON: With that, we -- I'd like to move Exhibit 91
3 into the record.

4 HEARING OFFICER MEYERS: Mr. Davies, any objection to the
5 receipt of 91?

6 MR. DAVIES: No objection.

7 HEARING OFFICER MEYERS: Thank you.

8 **(Employer Exhibit Number 91 Received into Evidence)**

9 Q BY MR. JOHNSON: All right. Were these two things you've
10 seen the only centrally-drafted communications that were
11 deployed to explain The Offer in 2021 or were there more?

12 A There are other materials that are also made available.

13 Q Okay.

14 MR. JOHNSON: Well, let's have 92.

15 HEARING OFFICER MEYERS: Madame Bailiff, can you put up
16 92, please?

17 Q BY MR. JOHNSON: Okay. This is a one-pager. Are you
18 familiar with this document?

19 A I am.

20 Q And what is it?

21 A This is the type of communication that would have -- it's
22 designed for employees, specifically. So this is the type of
23 material that would be on acid feeds, for example, or made into
24 posters to announce The Offer open enrollment period for this
25 year, 2021.

1 Q Okay. Will this information be communicated in
2 installments at local Amazon sites?

3 A Yes.

4 Q Would this be handed out as flyers in some local Amazon
5 sites?

6 A Yes.

7 Q Was it the responsibility of local Human Resources to
8 deploy these things once they got them?

9 A Yes.

10 Q All right.

11 MR. JOHNSON: Can we have 93, please -- oh, let me move --
12 ask to move 92 into evidence.

13 HEARING OFFICER MEYERS: Any objection?

14 MR. DAVIES: No objection.

15 HEARING OFFICER MEYERS: 92 is received.

16 **(Employer Exhibit Number 92 Received into Evidence)**

17 MR. JOHNSON: Can we have 93, please? Okay. It's several
18 pages long. I think it's four or five, so please scroll down
19 so Mr. Mansbach can see it.

20 Q BY MR. JOHNSON: And then, Mr. Mansbach, when you're ready
21 to testify about it, just sing out.

22 A Yes, I'm -- I'm -- I'm familiar with this document.

23 Q Okay.

24 MR. JOHNSON: We can scroll up back up to the top. Thank
25 you, Madame Bailiff.

1 Q BY MR. JOHNSON: Do you recognize this document?

2 A Yes.

3 Q What was this -- the -- the purpose of this document?

4 A It is a all-inclusive document that covers the overall
5 information about the program. It discusses how it works and
6 the program's specifications, and also includes FAQs.

7 Q Who, if anyone, does this document get sent to?

8 A This document is designed for HR and site managers.

9 Q All right. And are there FAQs that, you know, starting
10 about in the middle --

11 MR. JOHNSON: So we can we scroll down to hit the first
12 FAQs because I want to ask a question about that. Okay. There
13 we go.

14 Q BY MR. JOHNSON: And so does FAQ stand for frequently
15 asked question?

16 A Yes.

17 Q Okay. And are these FAQs also official Amazon FAQs?

18 A They are, yes.

19 Q Okay.

20 MR. JOHNSON: Can you turn to page 4, question 2, which is
21 going to be on 000000230? Scroll up a little bit. Okay.

22 Q BY MR. JOHNSON: And do you see question number 2 on here
23 where it says, "Is there a maximum or minimum number of people
24 who can take The Offer"?

25 A I do, yes.

1 Q Okay. And this is the answered no; am I right?

2 A Yes, you are right.

3 Q Okay. Is that answer inaccurate?

4 A It is accurate.

5 Q Why are there no set maximum or minimum number of people
6 who can take The Offer?

7 A It's because we do not maintain any quantified objectives
8 associated with this program.

9 Q Okay. What determines who ultimately takes The Offer?

10 A It would be eligible employees themselves.

11 MR. JOHNSON: I'd like to move 93 into evidence, Madame
12 Hearing Officer.

13 HEARING OFFICER MEYERS: Any objection to the receipt of
14 93?

15 MR. DAVIES: No objection.

16 HEARING OFFICER MEYERS: 93 is admitted.

17 **(Employer Exhibit Number 93 Received into Evidence)**

18 MR. JOHNSON: And then 94, can we bring that up on the
19 screen?

20 HEARING OFFICER MEYERS: 94 is now up.

21 Q BY MR. JOHNSON: Do you recognize this document, Mr.
22 Mansbach? It's just a one-pager, I think.

23 A Yes, I'm familiar with this document.

24 Q BY MR. JOHNSON: Okay. What is it?

25 A It's The Offer agreement letter and the template of it,

1 which employees accepting The Offer would review the terms of
2 this letter or agreement and also sign it.

3 Q And when you say template, is there individualized
4 information that is filled in depending on the identity of the
5 employee?

6 A Yes. The employee's name as well as the date. And then
7 finally, the amount of -- for that particular associate would
8 all be updated.

9 Q Is this the entirety of the agreement that an employee
10 signs to take The Offer?

11 A Yes, it is.

12 Q Are there any statements in the agreement relating to
13 coercion or pressure?

14 A Yes. In the second bullet point of the agreement, there
15 is.

16 Q Is that this bullet point that reads, your resignation is
17 voluntary, and you are not coerced or pressured to resign by
18 anyone?

19 A Yes, exactly.

20 Q Are people who feel pressured supposed to sign this
21 agreement?

22 A They are not supposed to sign this agreement. No.

23 MR. JOHNSON: Can I move 94 into evidence?

24 HEARING OFFICER MEYERS: Any objection to the receipt of
25 94?

1 MR. DAVIES: No objection.

2 HEARING OFFICER MEYERS: 94 is received.

3 **(Employer Exhibit Number 94 Received into Evidence)**

4 Q BY MR. JOHNSON: Now these exhibits -- sorry. Now, these
5 Exhibits Number 87 through 94 that I've walked you through, are
6 those all the documents that reference or describe The Offer
7 that have ever been created at Amazon?

8 A No, there have been others.

9 Q How does an employee accept The Offer?

10 A They would approach HR or a manager and express to them
11 that they are interested in accepting The Offer?

12 MR. JOHNSON: We can take 94 down.

13 HEARING OFFICER MEYERS: Thank you.

14 MR. JOHNSON: Thank you, Madame Hearing Officer.

15 Q BY MR. JOHNSON: And then, what would the next step be?

16 A HR -- it's -- it's supposed to go to HR who would execute
17 The Offer. And they would walk the employee through the steps,
18 make sure that The Offer letter is updated, make sure that the
19 employee who is interested in accepting understands the -- the
20 terms of The Offer, the amount that they will be receiving.
21 And is also on -- on standby to answer any questions that
22 employees may have.

23 Q And then, is there a next step after that?

24 A The employees would review The Offer agreement form, the
25 one -- the template that we just saw but customized

1 specifically for that individual employee and they would sign
2 it. In the United States, it's signed electronically.

3 Q And then, is there a next stop after that?

4 A Employees would be asked to complete a survey.

5 Q Okay. And would employees ultimately get paid the amount
6 under The Offer?

7 A Yes, the payment is paid through pay services and is in
8 their final paycheck from the company, from Amazon.

9 Q All right. So let me take you the 2021 offer year, okay?

10 A Okay.

11 Q Let's talk about the numbers. Approximately how many
12 associates were eligible for The Offer in North America? I'm
13 talking about all Amazon employees eligible for The Offer in
14 North America.

15 A Sure, 237,106.

16 Q And approximately how many accepted The Offer that year?

17 A 2,438.

18 Q Okay. And in 2021, how many employees were eligible for
19 The Offer within North American customer fulfillment, the
20 organization that contains fulfillment centers?

21 A Sure. There were 179,552 eligible employees.

22 Q And how many accepted approximately?

23 A 1,847.

24 Q And in 2021, how many associates were eligible for The
25 Offer at the BHM1 facility?

1 A There were 67 employees eligible.

2 Q Okay. And the BHM1 facility wasn't operational until
3 March 2020, I believe the record shows. Why are there 67
4 employees who are eligible if -- if you know?

5 A They most likely transferred from other facilities, either
6 other fulfillment centers or other operation facilities such as
7 delivery centers or sort -- sort centers.

8 Q And in 2021, how many associates at BM- -- sorry. In
9 2021, how many employees at BHM1 accepted The Offer?

10 A We had none. No one except at -- at that site, so zero.

11 MR. JOHNSON: Can we put up 95, Employer Exhibit 95? It's
12 a demonstrative.

13 HEARING OFFICER MEYERS: Madame Bailiff -- Madame Bailiff,
14 can you put up 95, please?

15 MS. MILLER: Yes, yes, sorry. Just one moment, computer
16 froze. Okay. You should be seeing it now. I apologize.

17 HEARING OFFICER MEYERS: No worries.

18 Q BY MR. JOHNSON: And so does this demonstrative exhibit
19 accurately summarize your testimony, Mr. Mansbach?

20 A Yes, it does.

21 MR. JOHNSON: I'd like to move 95 in. He's just testified
22 to it.

23 HEARING OFFICER MEYERS: Any objections, Mr. Davies?

24 MR. DAVIES: It's duplicative of his testimony. I'm not
25 sure why we need it, but you know.

1 HEARING OFFICER MEYERS: It is the duplicative. But
2 are -- are we -- is -- is it cumulative?

3 MR. DAVIES: It's cumulative as well?

4 HEARING OFFICER MEYERS: I -- I would agree, but I think
5 that this one document, unless you have objections other than
6 cumulative, I'm -- I'm going to allow it. Do you have any
7 other objections?

8 MR. DAVIES: No objection --

9 HEARING OFFICER MEYERS: All right.

10 MR. DAVIES: -- no other objections.

11 HEARING OFFICER MEYERS: So let's -- let's admit Exhibit
12 Number 95.

13 **(Employer Exhibit Number 95 Received into Evidence)**

14 MR. JOHNSON: And let me just confer with counsel.

15 HEARING OFFICER MEYERS: Okay. How much time do you need?

16 MR. JOHNSON: 30 seconds.

17 HEARING OFFICER MEYERS: All right.

18 MR. JOHNSON: okay. I have no further questions on direct
19 for Mr. Mansbach.

20 HEARING OFFICER MEYERS: Okay. So it's 1:12 right now.
21 Mr. Davies, if I gave you an hour to do lunch and prepare, is
22 that sufficient?

23 MR. DAVIES: I -- I think it will be sufficient.

24 HEARING OFFICER MEYERS: Is 45 minutes sufficient? I
25 should never negotiate against myself. I realized after I said



1 an hour that I was being overly generous but --

2 MR. DAVIES: I don't know. I don't know. Richard has a
3 pretty big appetite so.

4 HEARING OFFICER MEYERS: And he also likes a lot of time
5 to prepare, so --

6 MR. ROUCO: Did he -- did he just call me fat?

7 MR. JOHNSON: No --

8 HEARING OFFICER MEYERS: I don't think that's what he
9 said.

10 MR. ROUCO: That's -- that's --

11 HEARING OFFICER MEYERS: It's not what he's saying.

12 MR. ROUCO: -- exactly what he said.

13 MR. JOHNSON: Maybe facts not in evidence.

14 HEARING OFFICER MEYERS: So we are going to be in recess
15 until -- we're just going to call it an even quarter after the
16 hour.

17 So we will be on recess until 12:15 Central Standard Time,
18 which would be 10:15 your time, Mr. Mansbach. Mr. Mansbach, if
19 you will stay online if you can, and just turn off your camera
20 and your microphone, it will be easier. But I understand you
21 might be issues with your internet. If -- if so, just call
22 back in.

23 And with that, we will be in recess until 2:15 my time,
24 1:15 Central Time. Thank you.

25 THE WITNESS: Thank you.



1 MR. JOHNSON: Thanks.

2 (Off the record at 12:13 p.m.)

3 HEARING OFFICER MEYERS: Let's go on the record. Mr.
4 Rouco do you have any questions for this witness?

5 MR. ROUCO: I do.

6 **CROSS-EXAMINATION**

7 Q BY MR. ROUCO: I guess it's good morning where you are,
8 Mr. Mansbach. But my name is Richard Rouco. I'm here
9 representing the Union in this proceeding.

10 Now, I believe you testified that the open enrollment
11 period for the program known as The Offer was February 24
12 through March 16; is that right?

13 A That's correct, yeah.

14 Q And when were the dates selected for open enrollment for
15 2021?

16 A Discussions began in January and continued I -- I would
17 say towards the end of January.

18 Q And so -- so the decision was made in the end of January?

19 A To the best of my recollection, yes.

20 Q Now the -- am I correct that the program, though the open
21 enrollment period is from February 24th to March 16th, that the
22 rollout of the program occurs earlier than that?

23 A There are planning and preplanning phases, so yeah, prior
24 to when the open enrollment officially launches for eligible
25 employees, there are a series of planning steps that take place

1 in the preceding period, yes.

2 Q Yeah, I -- I understand they're planning, but when are
3 employees told in advance in the actual open enrollment period
4 that The Offer's going to be available in 2021?

5 A There are not associate-facing announcements until the
6 open enrollment actually goes live.

7 Q So there are -- we saw an email that was sent to -- to --
8 I guess it's an internal email. If you look at, I believe it
9 was Exhibit 89, that internal email was dated February 15th.
10 Is that when you started internal communications with local
11 management about the offer being made available in 2021?

12 A Yes, sir. It was.

13 Q Now, the -- what we're calling The Offer, the first
14 time -- February 2021 was the first time it was introduced
15 BHM1; is that right?

16 A Yes.

17 Q And that's because BHM1 was a new facility; is that right?

18 A Correct.

19 Q Are you aware of other new facilities where The Offer is
20 not made available because the facility hasn't been opened for
21 long enough?

22 A No, I am not.

23 Q And you understood when you made -- when -- when The Offer
24 was introduced at BHM1 that there really weren't going to be a
25 lot of employees eligible at that site to take advantage of The

1 Offer; is that right?

2 A There were no -- I -- I was not participant to any
3 specific discussions where BHM1 was specifically mentioned in
4 relation to The Offer in our planning for it. We do it on a
5 network basis.

6 Q Are you aware of whether there were any discussions as to
7 whether The Offer should be extended to BHM1?

8 A I am not. No.

9 Q And you were aware that at the time that The Offer was
10 introduced at BHM1 there was a union election ongoing?

11 A I was personally aware as a matter of reading public
12 reports on it. So yes, I personally was aware of it.

13 Q Were members of the -- the corporate team that you belong
14 did -- does the planning for The Offer, were there any
15 communications within that team about the union election that
16 was underway at BHM1?

17 A Not that I am aware of, no.

18 Q Was there any -- to your knowledge, any discussion about
19 postponing the introduction of The Offer at BHM1 because there
20 was an ongoing union election?

21 A Not to my knowledge.

22 Q Now your -- who has the final say as to whether The Offer
23 is going to be made available in a given calendar year?

24 A On a company-wide basis?

25 Q Yes, sir.

1 A Ultimately, that final decision would rest with leadership
2 in the HR organization, which is now called People Experience
3 and Technology, so PXT internally.

4 Q PXT? Okay.

5 A Yes, sir.

6 Q And you're not in leadership in PX -- PXT?

7 A I am the central owner of The Offer program. I would make
8 a recommendation. So for example, even on the open enrollment
9 period, I made a recommendation in concert with the business-
10 appointed contact for The Offer, but ultimately the final
11 decision rests with leaders in HR or the PXT organization,
12 synonymously used.

13 Q So if you're -- I understand. But if I understand your
14 testimony, then you're not in a decision-making role with
15 respect to The Offer; is that right?

16 A I'm in a position to make policy recommendations and
17 reporting. I'm responsible for the reporting as well.
18 Ultimately final dates and final aspects of that nature are
19 a -- you know, it's -- it's a multistep approval process.

20 Q Okay. And before the planning starts, is there -- is
21 there already approval to make The Offer available to employees
22 during the given calendar year by the decision makers?

23 A Well, the program is -- is run on a reoccurring basis. We
24 do not re-seek approval to run the program in the first quarter
25 annually. That's established precedent.

1 Q Okay. Are you aware of any individual locations where,
2 for business reasons, The Offer was not extended to employees
3 at that location?

4 A No, I am not.

5 Q So it doesn't -- so if -- and -- and the reason I ask that
6 is, say that you have a fulfillment center that is
7 understaffed, and there's not enough people to do the work.
8 Are you aware of a situation where the company said, we're not
9 going to make The Offer available at this time at this facility
10 because conditions at that facility wouldn't support doing so?

11 A I am not aware of any cases like that, no.

12 Q Okay. Now as I understand The Offer or at least the way
13 it was initially -- the -- its initial purpose was to have
14 employees who don't want to be at Amazon to move on to some
15 other job; is that right?

16 A Not exactly. I would say that the design is to support
17 employees in pursuing their career aspirations. And if that's
18 beyond Amazon, then The Offer is a program to support them in
19 moving to their next step to serve as a -- a financial bridge
20 to that next opportunity.

21 Q But in -- I'm sorry. I didn't mean to interrupt you.

22 A And there may be some share of employees who participate
23 in the program who are, you -- you know, dissatisfied with
24 Amazon. But many -- many also we know are -- are not, and
25 they're content and -- and decided to move on for personal

1 reasons or professional reasons.

2 Q Okay. Well, if you look at -- and I think it's Exhibit
3 Number 86. You don't have the exhibits in front of you, do
4 you?

5 A I do not, no.

6 Q Okay.

7 MR. ROUCO: Madame Hearing Officer, can you ask the
8 bailiff to display Exhibit 86?

9 HEARING OFFICER MEYERS: Madame Bailiff, can you put up
10 Employer's Exhibit 86, please?

11 THE BAILIFF: Yes. Give me just one moment here. All
12 right. You all should be able to see it now.

13 MR. ROUCO: Yeah, if you would scroll to -- it's -- it's
14 Bates Number 72. I believe that's where the discussion is.
15 And keep going down, please.

16 Q BY MR. ROUCO: Now, if you look at -- under employee
17 empowerment, there is the deferred paragraph there?

18 A Yes.

19 Q And that's the -- that's the -- you were asked about that
20 paragraph in terms of when the program first started being
21 offered at Amazon in 2014; is that right?

22 A That's right.

23 Q Okay. And originally the -- the program was called Pay to
24 Quit; is that right?

25 A That's correct.

1 Q Does the -- does the program have an official name within
2 Amazon, or is it just known as The Offer?

3 A The official name is now The Offer. It was first
4 introduced under the title Pay to Quit, but it is no longer --
5 it no longer goes by that name.

6 Q Now, if you look at the sentence that starts with the
7 handwriting on The Offer, have you seen that?

8 A Yes.

9 Q It says please don't take this offer, right?

10 A Right.

11 Q And then it says, we hope they don't take the offer. We
12 want them to stay. And then it goes on to say why we make this
13 offer, right? And if I understand this correctly, it says the
14 goal is to encourage folks to think about what they're doing.
15 And if they really don't want to be at Amazon that they don't
16 need to be there because it's not good for the employee or good
17 for the company. Is that a fair characterization?

18 A That is what it -- it states here, yes.

19 Q So am I correct -- and -- and that purpose -- and that is
20 that if employees are unhappy working at Amazon that Amazon
21 wants to encourage them to find other opt -- other work to
22 perform. That's still one of the motivating factors behind
23 that program, right?

24 A Well, the -- I mean, as it says here, too, we -- first and
25 foremost, we -- we have been consistent and explicit that we

1 hope that employees don't take this offer, but we want them to
2 stay. But for employees that want to pursue other
3 opportunities and whether that's because they have decided they
4 don't want to remain at Amazon or if it's simply because they
5 want to pursue other objectives, that's where -- that's where
6 The Offer comes in as a resource and a potential benefit for
7 eligible employees.

8 And in fact, it may be worth noting as well that we -- you
9 know, we do know that 81 percent of employees who except The
10 Offer this year, for example, stated they would recommend
11 Amazon as a place to work, suggesting that they -- they -- they
12 do have a favorable view of the company. So yes, there --
13 there may be a -- a small share or some share of employees who
14 participate in The Offer for some of the reasons that you're
15 stating, but many -- many others do so for other reasons.

16 Q So it's your testimony that 81 percent of the people would
17 accept that The Offer were perfectly happy to stay at Amazon?

18 A It's that they indicated via survey that they would rec --
19 recommend Amazon as a place to work.

20 Q Well then, what puzzles is if it's -- there are so many
21 employees who are happy to be at Amazon but still taking The
22 Offer, then why does Amazon condition The Offer on complete
23 severing of any future employment relationship with Amazon?

24 MR. JOHNSON: Argumentative.

25 MR. ROUCO: No, no. I --

1 HEARING OFFICER MEYERS: Overruled.

2 Q BY MR. ROUCO: You know, why -- why -- why exactly -- did
3 you understand the question, Mr. Mansbach?

4 A Yes. I do. It's because it is a -- it's a one-time
5 opportunity for associates to part ways with the company, and
6 it is a meaningful share in terms of the -- the cash payment.
7 And so it's a one-time financial bridge to -- to a new
8 opportunity or a new career.

9 Q Well, for an employee it's generally two payments, and
10 they're full-time it's \$2,000, right?

11 A Right.

12 Q And -- and I'm not trying to belittle the fact that it's
13 \$2,000, but after taxes it ends up being about 1,600, \$1,700
14 for an employee to leave, right?

15 A For -- yeah. For that specific amount tenure, yeah.

16 Q But -- so for a payment of \$1,600 you're -- you're
17 requiring that employee to agree never to seek employment not
18 only with Amazon but with any other subsidiary or any other
19 affiliated company; isn't that right?

20 A That's right.

21 Q And isn't the reason you do that is because you assume
22 that employees who take the offer and are willing to sever any
23 future relationship with Amazon or any other entities related
24 to Amazon, that those employees really aren't happy being at
25 Amazon?

1 MR. JOHNSON: That assumes facts not in evidence.

2 HEARING OFFICER MEYERS: Overruled.

3 A Do you mind restating the -- the question?

4 Q BY MR. ROUCO: Isn't it -- isn't it true that the reason
5 The Offer has a -- a sev -- you know, you sever your
6 relationship permanently, you know, into the future, that the
7 reason for that condition is that an employee who takes the
8 offer is one that's not happy, right?

9 A No, we have a number of programs that would, you know,
10 support employees in -- in taking their next step. This
11 particular one we make available just a single time, and so we
12 want folks to -- to take a moment and really consider what they
13 want, if they're going to participate in The Offer. But you
14 know, there's -- what would prevent then an employee from
15 returning and reclaiming the benefit on a repeated basis if
16 there -- if there was not some sort of policy of that nature.

17 Q Well, I mean, I -- I can give you some suggestions of how
18 to stop that, right? I mean, you can just say, you can only
19 avail yourself of this one -- once in your entire lifetime.
20 But -- but that's on -- that's on me.

21 Let me ask -- with respect to inelig -- the -- the sev --
22 the complete severing of any future employment relationship
23 with Amazon, am I correct that The Offer is the only program
24 that has that condition?

25 A I am not aware of other programs that have that condition.



1 Q So an employee can take advantage of the Career Choices
2 program, leave Amazon, but yet still come back?

3 A Yes.

4 Q Right?

5 A That's true, yeah.

6 Q Now, the implementation of the program or The Offer, is
7 that left to local HR to do? And maybe implementation's the
8 wrong word. I can rephrase.

9 And I think you testified that it's -- it's an employee
10 interest. If they learn about The Offer and they're interested
11 in The Offer, that they contact local HR to do that; is that
12 right?

13 A That's correct, yes.

14 Q And the -- its local HR or/and local management that will
15 typically answer the questions that employees may or may not
16 have about The Offer; is that right?

17 A That's right, yes.

18 Q So is it fair to say that the actual implementation of the
19 program -- and by that I mean discussing it with employees,
20 then execution of the contract, processing of the payment --
21 all that is done locally; is that right?

22 A That is operationally done locally, yes.

23 Q And I -- and I apologize if I asked you this question
24 before, but were you aware of -- well, let me rephrase it.

25 When you're planning to do the offer, does Amazon have a

1 sense of how many employees are eligible for the program?

2 A Yes.

3 Q Is that broken down -- for example, fulfillment centers,
4 is it broken down by fulfillment center?

5 A It could be. It was not broken down in any of the
6 preparation that I personally did or that I was aware of. We
7 looked at it on a network basis.

8 Q And the reason I ask you that is because I'm interested if
9 the document -- it's Exhibit Number 95.

10 MR. ROUCO: Madame Hearing Officer, could you please
11 request the bailiff display Exhibit Number 95?

12 HEARING OFFICER MEYERS: I believe she is doing so.

13 But Madame Bailiff -- there we go.

14 MR. ROUCO: Do I need to ask you now, or should I just ask
15 the bailiff to display it?

16 HEARING OFFICER MEYERS: Well, I mean -- you can just ask
17 the bailiff, but --

18 MR. ROUCO: Okay.

19 HEARING OFFICER MEYERS: -- you know, there's times I need
20 to make sure -- because I know she's doing other stuff, too.

21 MR. ROUCO: Okay.

22 Q BY MR. ROUCO: So Mr. Mansbach, what's been previously
23 identified and admitted as Exhibit Number 95 is the number of
24 associates who accepted the offer for 2021. Were you involved
25 in the preparation of this document?

1 A In supplying the figures, yes.

2 Q So how -- do you know, when the offer was introduced at
3 BHM1 and discussed with employees at BHM1, that there were only
4 67 eligible employees?

5 A I became aware of that on a need -- on-demand basis, so
6 yes, I was aware that there was 67 employees eligible at that
7 site.

8 Q And -- well, did you -- did you know it at the time that
9 The Offer was being introduced at BHM1?

10 A I believe that the open enrollment period was already in
11 flight at the time that we looked at BH1 -- BHM1 specifically.

12 Q And do you know why, what occasioned you to look
13 specifically at BHM1 while -- during the open enrollment
14 period?

15 A It would have been based -- and it -- and it may -- I
16 may -- the date of it, I -- I don't specifically recall because
17 it would have been related specifically to a request about
18 eligibility at the site just to understand specifically what
19 eligibility was at -- at that location.

20 Q So you don't recall whether that request to look at
21 eligibility at BHM1, whether that actually came during the
22 three-week enrollment period? Is that what I understand you
23 saying?

24 A I -- I believe that is was only in re -- in relation to --
25 if I'm remembering correctly, it was only in relation to

1 preparation for this hearing. So I believe that it was pulled
2 for that purpose only.

3 Q Okay.

4 MR. JOHNSON: And can I just add, Mr. Mansbach, please
5 don't testify as to any communications you've had with counsel
6 for the company, either house counsel or outside counsel.
7 Thank you.

8 Q BY MR. ROUCO: So the -- so the numbers in terms of
9 eligibility, if I understand it, they were pulled to prepare
10 for this hearing and also in relationship to this exhibit
11 that's marked Number 95; is that right?

12 A Does --

13 MR. JOHNSON: He can answer that question. I'm not
14 asserting any objection.

15 THE WITNESS: Okay.

16 Q BY MR. ROUCO: And I won't -- just so that you know, I'm
17 not going to ask you if you -- what your conversations with
18 your lawyers were. But if there's an exhibit that's been
19 introduced and you were parti -- you were the person providing
20 the information for that exhibit, then that's fair game. So
21 the -- the question is that when -- when -- when you testify
22 that you became aware that there was 67 people eligible at
23 BHM1, that that occurred in relationship to preparation for
24 this hearing; is that right?

25 A Yes.

1 Q And that became also part of what you gathered for
2 purposes of the exhibit that's been marked as Exhibit 90 -- 95;
3 is that right?

4 A Yes.

5 Q There were -- it's my understanding -- is there 58 --
6 about -- approximately 5,800 employees at BHM1; is that right?

7 A I actually don't know that figure.

8 Q Do you know how many -- how many full-time and part-time
9 associates are in BHM1?

10 A I do not, no.

11 Q Okay.

12 MR. ROUCO: Okay. Madame Hearing Officer, if I may have a
13 minute, I may be -- I may be done with my questions.

14 HEARING OFFICER MEYERS: You can have a minute. We'll go
15 off the record. Just raise your hand when you're ready to go
16 back on the record.

17 MR. ROUCO: Thank you.

18 Thank you, Madame Hearing Officer. Are we -- are we back
19 on the record?

20 HEARING OFFICER MEYERS: We are. We -- we never went off
21 the record. We were just --

22 MR. ROUCO: Oh.

23 HEARING OFFICER MEYERS: -- waiting for you.

24 MR. ROUCO: Okay.

25 Q BY MR. ROUCO: Mr. Mansbach, are you aware of whether the

1 management of BHM1 received any training about how to discuss
2 The Offer with employees at that facility?

3 A I am not aware of specifically if they did. I can tell
4 you that broadly, at a program perspective, they would have
5 received the -- the communications that the operations internal
6 communications team ultimately drafted and sent by email and by
7 other channels. So -- so they would have received those same
8 materials that all other fulfillment center sites received.

9 Q And this the -- you test -- and the material you're
10 referring to is what you've already identified during your
11 testimony; is that right?

12 A Yes, sir.

13 Q Okay. And -- but for the -- for the management that was
14 new at BHM1, other than what you've already introduced or have
15 been introduced in the record, you're not aware of any
16 additional training of those management personnel at BHM1; is
17 that right?

18 A I am not, no.

19 Q Well, thank you. I have no further questions.

20 A Okay. Thank you.

21 HEARING OFFICER MEYERS: Mr. Johnson, do you have --

22 MR. JOHNSON: I have two or three, if you can hear me.
23 You've kind of frozen on my screen.

24 HEARING OFFICER MEYERS: Okay. I -- you seem to be moving
25 again, is it better?

1 MR. JOHNSON: I don't see you and actually, Richard is
2 frozen. I can see Mr. Mansbach, though.

3 HEARING OFFICER MEYERS: Okay. I see everybody and
4 they're moving. Is everybody else --

5 MR. ROUCO: Yeah, you look frozen to me, Kirsten.

6 MR. JOHNSON: It's frozen for me as well.

7 BAILIFF: For me as well.

8 MR. JOHNSON: Can you see me, Richard? Am I moving.

9 MR. ROUCO: I can see you, Harry.

10 MR. DAVIES: I can see everyone except for the Hearing
11 Officer who appears to be frozen.

12 HEARING OFFICER MEYERS: Fantastic.

13 MR. ROUCO: But I can hear you, so if you want --

14 HEARING OFFICER MEYERS: So you can --

15 MR. ROUCO: Yes, I can hear you.

16 MR. JOHNSON: Yes, it's -- it's a good striking pose, as
17 well. I can testify to that.

18 MR. ROUCO: All right. You're trying to butter -- butter
19 up the Hearing Officer, Harry.

20 MR. DAVIES: I think she looks like she's about to object
21 to one of Harry's questions.

22 MR. JOHNSON: Standing objections.

23 MR. ROUCO: I'm okay moving forward, if -- if you can
24 hear.

25 HEARING OFFICER MEYERS: Let's go -- let's go. Am I

1 moving again? Everybody's moving for me, so I --

2 MR. ROUCO: Okay.

3 HEARING OFFICER MEYERS: -- can see y'all.

4 MR. ROUCO: I mean, I can put up --

5 HEARING OFFICER MEYERS: So let's go ahead and we'll
6 reboot.

7 MR. JOHNSON: Right.

8 **REDIRECT EXAMINATION**

9 Q BY MR. JOHNSON: Now, Mr. Mansbach, you testified about 81
10 percent of people who taking -- take the offer recommending
11 Amazon. Do you recall that testimony?

12 A Yes.

13 Q Is that in relation to the survey you mentioned that it
14 happens after the offer, or is it in relation to some other
15 survey?

16 A In relation to the survey that happens after those who
17 accept would complete it, so --

18 Q Okay. And so that's 81 percent of the people who
19 accepted?

20 A Yes.

21 Q Who answered the survey?

22 A Correct.

23 Q Is that right? Okay.

24 A Yeah.

25 Q You testified about -- a little bit about the career

1 choice and the offer. If someone takes a career choice and
2 then they take the offer, can they come back or not to Amazon?

3 A No, they cannot.

4 Q Is everybody who takes Career Choice is dissatisfied with
5 Amazon?

6 A No.

7 Q You mentioned the term network basis. Do you recall using
8 that term?

9 A Yes.

10 Q What did you mean by that?

11 A I meant that all participating facilities, such as in this
12 case, fulfillment centers, receive equal communications and
13 treatment and planning perspective. So we do it across an
14 entire business unit rather than regionally or site-specific --
15 in any site-specific way.

16 MR. JOHNSON: Okay. I don't have further questions on
17 redirect, Madame Hearing Officer.

18 HEARING OFFICER MEYERS: Any recross, Mr. Rouco?

19 MR. ROUCO: Yes. I just have just a few questions.

20 **RECROSS-EXAMINATION**

21 Q BY MR. ROUCO: Mr. Mansbach, was an employee required to
22 respond to the survey in order to receive the offer?

23 A No.

24 Q Do you know of the 1,800 or so people in fulfillment
25 centers that accepted the offer, what the response rate was on

1 your survey?

2 A I don't know the precise figure off the top of my head,
3 no.

4 MR. ROUCO: All right. I have nothing further. Thank
5 you.

6 MR. JOHNSON: All right. I don't have anything further on
7 redirect. A couple of things. We have a new witness ready.
8 We'll need a 10-minute break for that. And before we hit the
9 break, I just wanted to ask the Union if they had decided on
10 the Tweet and the video, Exhibit 119 and 120.

11 MR. ROUCO: Yeah, we -- we have not, but we'll -- we'll
12 confer during this break.

13 HEARING OFFICER MEYERS: Well, let me --

14 MR. JOHNSON: Okay.

15 HEARING OFFICER MEYERS: Let me just -- Mr. Mansbach,
16 thank you very much for joining us. We appreciate --

17 MR. JOHNSON: You just dropped Madame Hearing Officer.

18 BAILIFF: We lost the Hearing Officer.

19 MR. JOHNSON: Hang on, Mr. Mansbach.

20 MR. MANSBACH: Okay.

21 MR. JOHNSON: You're not actually released till she
22 completes the sentence releasing you.

23 MR. MANSBACH: Understood.

24 MR. JOHNSON: You can go on mute now and turn your camera
25 off.

1 MR. MANSBACH: Okay. Thanks all for the time.

2 HEARING OFFICER MEYERS: Harry, are you the only one
3 that's held out for me?

4 MR. JOHNSON: I required the witness to stay until you
5 came back and that's just so you release the witness.

6 HEARING OFFICER MEYERS: I so apologize for that. I'm
7 sorry, Mr. Mansbach, but what I was saying is, that your
8 testimony today is officially finished. However, you are
9 subject to recall and you are subject to the rule of -- rule of
10 sequestration, which means you can't talk about your testimony
11 with anyone, but otherwise you're done for the day.

12 You could potentially be recalled. I doubt it. But
13 somebody will contact you and let you know if we need you to
14 come back during the course of the hearing. But we do
15 appreciate your calling in. Thank you very much. And you are
16 done. And sorry before this happens again and you can't hear
17 me. So with that, we bid you -- we bid you farewell. Thanks
18 for coming.

19 MR. MANSBACH: Thank you. Appreciate it.

20 HEARING OFFICER MEYERS: Thank you. All right. And
21 before we break, I did want to say I reviewed the transcripts,
22 and the only testimony I understand I -- I was confused, as
23 I -- we said that it happened during the campaign. But on
24 clarification, the witness stated fans were installed in April,
25 which is outside the critical period.

1 So Mr. Johnson, I assure you it will not be considered by
2 the Hearing Officer.

3 MR. JOHNSON: Okay. So fans are out. Okay.

4 HEARING OFFICER MEYERS: Fans are out.

5 MR. JOHNSON: So just so I understand. Okay.

6 HEARING OFFICER MEYERS: No -- no testimony required.

7 MR. JOHNSON: All right. Well, I -- I appreciate your
8 diligent work and looking at the transcripts and telling us
9 that, we won't have a fan witness for tomorrow. We do have a
10 witness now. Can we have seven minutes and then pop back on
11 with that witness?

12 HEARING OFFICER MEYERS: We can have seven minutes. So
13 2:00 Central Time. I don't know where your witness is, but
14 2:00 Central Time for y'all.

15 MR. JOHNSON: Right.

16 HEARING OFFICER MEYERS: So we will be off the record
17 until 2:00.

18 MR. JOHNSON: Thank you. Mr. Broderdorf is going to be
19 taking that witness, just so you know.

20 HEARING OFFICER MEYERS: Okay.

21 (Off the record at 1:54 p.m.)

22 HEARING OFFICER MEYERS: Let's go on the record.

23 MR. BRODERDORF: Thank you.

24 HEARING OFFICER MEYERS: Mr. Broderdorf, do you have a
25 motion with regards to any of your exhibits?

1 MR. BRODERDORF: Yes, Madame Hearing Officer. The
2 Employer moves for the admission of proposed Exhibit 120.

3 HEARING OFFICER MEYERS: Any objection from the Union?

4 MR. DAVIES: No -- no objection.

5 HEARING OFFICER MEYERS: Thank you. And 120 is admitted.

6 **(Employer Exhibit Number 120 Received into Evidence)**

7 HEARING OFFICER MEYERS: And Mr. Broderdorf, do you have a
8 witness to call?

9 MR. BRODERDORF: We do. The Employer calls Jena Smith.

10 HEARING OFFICER MEYERS: Ms. Smith, could you raise your
11 right hand, please?

12 Whereupon,

13 **JENA SMITH**

14 having been duly sworn, was called as a witness herein and was
15 examined and testified, telephonically as follows:

16 HEARING OFFICER MEYERS: Your witness, Mr. Broderdorf.

17 MR. BRODERDORF: Thank you.

18 **DIRECT EXAMINATION**

19 Q BY MR. BRODERDORF: Good afternoon, Ms. Smith. How are
20 you?

21 A Doing well, how are you?

22 Q Great. Great. Could you state and spell your full name
23 for the record, please?

24 A Yes. Jena, J-E-N-A, Smith, S-M-I-T-H.

25 Q And where do you work, Ms. Smith?



- 1 A I work for Amazon.
- 2 Q On what is your current title?
- 3 A Senior HR business partner.
- 4 Q And are you a senior HR business partner at a particular
- 5 Amazon facility?
- 6 A Yes. BHM1 in Bessemer, Alabama.
- 7 Q And how long have you been a senior HR business partner at
- 8 Bessemer, Alabama?
- 9 A Since the launch in March of 2020.
- 10 Q So when you say launch, are you referring to the opening
- 11 of the site?
- 12 A Yes.
- 13 Q And have you been -- have you been at the site the entire
- 14 time in that role?
- 15 A Yes, I have.
- 16 Q Do you have an office or a station at the site?
- 17 A Yes, I do.
- 18 Q And where is that located?
- 19 A It's located in the HR office inside of the main office.
- 20 Q And where is the main office located at the site?
- 21 A So once you enter the building, you'll take a left and
- 22 you'll walk about 100 yards. You'll take one more left and
- 23 that will take you into the main office. And I have a desk in
- 24 there.
- 25 Q And is your current role at BHM1 your first position with

1 Amazon?

2 A No, it's not.

3 Q Can you describe for us your prior positions before
4 arriving at BHM1?

5 A Yes. I started as a senior HR assistant at MCO1 in
6 Orlando, Florida. I started that in June of 2018, and was
7 there for approximately a year. After that, I left to launch
8 CLT4 in Charlotte, North Carolina, as an HR business partner.
9 I was there for about six months and then that's when I left to
10 come down to BHM1.

11 Q In those two prior sites you were at, are those considered
12 fulfillment centers?

13 A Yes, they are.

14 Q Is the design and setup of those sites similar to BHM1 or
15 different?

16 A Yes, very similar.

17 Q And why -- why do you say that?

18 A Because they were all built around the same time and
19 they're all AR sortable buildings, which are the same building
20 types.

21 Q And can you -- can you define for us AR sortable? What
22 does that mean?

23 A That means that we have the Kiva robots, and we move small
24 items.

25 Q I'll ask one more question about -- about those robots.



1 What do you mean by Kiva, is it Tiva or Kiva?

2 A Kiva. They're --

3 Q Tell us about Kiva robots.

4 A Yeah. So they are robots on part of our operations where
5 they look like Roombas. They kind of run around and move our
6 what's called pods where a product is stored. That's what kind
7 of differentiates us from other sites.

8 Q And what are the main responsibilities of the senior HR
9 business partner?

10 A Yeah. So some of them would be working with my hourly HR
11 team, making sure we're tracking our metrics, making sure I
12 help develop them and get them where they want to be. I also
13 work with operations a lot. So working with my area managers,
14 operations managers, and senior operations managers, helping to
15 train them, coach them, help them become better leaders,
16 working with our associates to make sure we help solve any
17 problems that they have. Make their experience more enjoyable.
18 Also, making sure our associates are informed on different kind
19 of policies, procedures, making sure our leaders are informed
20 as well, overseeing discipline. And then that's really like
21 the basic concepts of what I do.

22 Q Were you aware that there was a Union campaign going on at
23 the site in late 2020 and early 2021?

24 A Yes.

25 Q Did you have a designated role or responsibility with the

1 campaign?

2 A I wasn't part of the campaign team. Since I was at the
3 site, I was kind of the liaison between ER and HR if they had
4 any questions. But that was really my only role in the
5 campaign.

6 Q Now, I'd like to ask you some questions about specific
7 topics relevant to -- to this hearing. So I'm going to dive in
8 and then we have a series of exhibits that we'll be showing
9 you. Do you happen to have the exhibits available to you and
10 in printed form?

11 A Yes, I do.

12 Q And to confirm, do you have any other notes or anything
13 else on -- on the desk besides those exhibits?

14 A No, just the exhibits.

15 Q Thank you. Let's talk about the systems and tools that
16 Amazon has to solicit or -- or remedy employee concerns or
17 issues. So are you familiar in general with those -- with
18 those systems?

19 A Yes.

20 Q And can you describe for the Hearing Officer some examples
21 of those systems?

22 A Yes, so some examples would be the Voice of the Associate
23 board, the A to Z app, HR cases, HR chat board, the ERC Ethics
24 Hotline, executive hotline, speaking to our HR team one-on-one
25 at one of the HR desks on the floor, speaking to any of our

1 operations leaders or area managers on the floor. So those are
2 just a few ways that we have.

3 Q You used the term ERC. Can you define ERC for us?

4 A Yeah. So the Employee Resource Center, or ERC as we like
5 to call it, is a call center where associates can call in and
6 they can ask a variety of questions to help get their problems
7 resolved.

8 Q Thank you. So does Amazon have -- have a policy in
9 writing called the open-door policy?

10 A Yes, they do.

11 MR. BRODERDORF: Could we pull up what's been marked
12 Employer Exhibit 96. It should be in a packet on -- on
13 SharePoint?

14 HEARING OFFICER MEYERS: You have that open, Madame
15 Bailiff?

16 BAILIFF: I do, indeed. You should be seeing it now.

17 MR. BRODERDORF: Thank you so much. Ms. Smith, we have
18 Exhibit 96 up on screen. It's a two-page document. Could you
19 take a minute to -- to look at those two pages and let us know
20 when you're -- when you're done?

21 THE WITNESS: Okay. I'm done reviewing the document.

22 Q BY MR. BRODERDORF: Thank you. Can you describe for us
23 what the owner's manual is at Amazon?

24 A Yeah. The owner's manual is just kind of like an employee
25 handbook. So different things that associates or managers

1 would need to know when they begin working with Amazon.

2 Q And on page 2, there's a reference to what's called the
3 open-door policy and conflict resolution. Do you see that
4 on -- on page 2? And feel free to look at your own personal
5 copy, if that's -- if that's helpful, but we'll -- we'll have
6 it up on screen. So when you referenced the existence of an
7 open-door policy, were you referring to this policy?

8 A Yes, I was.

9 Q And -- and how is this policy made available to
10 associates?

11 A Yeah. So what associates can do to find this policy is to
12 go on our internal website called Inside Amazon, and they'll
13 search for this document and they'll be able -- they'll be able
14 to see it. So any of our computers on site they can use to
15 find this document.

16 Q And there's -- if we scroll up to the top of this page,
17 there's a reference to October 2020. Are you -- do you know
18 why it says October 2020?

19 A I believe that when there were some updates to this
20 document.

21 Q You're referring to the owner's manual?

22 A Yes.

23 Q Do you know when the open-door policy came into existence?

24 A It's been in place as long as I've been with Amazon, so at
25 least three years.



1 Q And when would this policy have become applicable at BHM1?

2 A The day we opened. So March 29th, 2020.

3 Q During the first six months that you were at BHM1, so
4 thinking about the March to September-October time frame, do
5 you recall when the associates exercised or used this policy?

6 A Yeah. One example I can think of personally was an
7 associate had some personal issues going on and they needed to
8 move from night shift to day shift to take care of one of their
9 family members. So they spoke with our general manager through
10 the open-door policy. Then the general manager and I got
11 together and we were actually able to move their shift, so they
12 were able to stay employed with Amazon and take care of their
13 family.

14 MR. BRODERDORF: Move for the admission of Exhibit 96.

15 HEARING OFFICER MEYERS: Any objection to -- to the
16 receipt of 96? Mr. Rouco?

17 MR. ROUCO: Well, yeah. I'm looking at this document and,
18 you know, I guess I don't have any objection to -- to the
19 introduction of the open-door policy, but I don't understand
20 what -- what the rest of it is redacted, you know.

21 MR. BRODERDORF: Well, this -- this exhibit was provided
22 pursuant to the subpoena. And it's the portion of an overall
23 handbook that's relevant to the subpoena in this proceeding.
24 We're -- we're introducing the open-door policy. And that's --
25 that's what we're introducing. So any other policy is not --

1 is not relevant.

2 HEARING OFFICER MEYERS: So you've done this for -- for
3 clarity --

4 MR. BRODERDORF: Yes.

5 HEARING OFFICER MEYERS: -- rather than to redact
6 something.

7 And Mr. Rouco, has the Union been provided an unredacted
8 copy of the owner's manual?

9 MR. ROUCO: I -- I don't believe we have. Let me -- let
10 me check with George.

11 COURT REPORTER: Hold on. Did we -- Ms. Meyers? This is
12 the court reporter. I don't see her. Do you guys see her?

13 BAILIFF: I was hearing her, but you're right, I don't
14 currently see her anymore.

15 COURT REPORTER: Yeah. Yeah, she was kind of frozen. And
16 then we -- we lost her at the -- at the end here now. So --

17 BAILIFF: Okay. I will check to see her status and let
18 you all know.

19 COURT REPORTER: Okay. Thanks.

20 BAILIFF: Hearing Officer is joining back on here at this
21 moment.

22 COURT REPORTER: Okay. Great.

23 BAILIFF: So just a little bit of patience. Thank you.

24 COURT REPORTER: Thanks.

25 HEARING OFFICER MEYERS: I'm here. Sorry about that. I

1 don't even remember where I lost everybody. We were talking
2 about the redaction and whether or not --

3 BAILIFF: Right.

4 HEARING OFFICER MEYERS: -- the Union had received --

5 MR. BRODERDORF: So if I -- if I may, Madame Hearing
6 Officer, the only portion that's relevant is the open-door
7 policy. That's there in its entirety -- excuse me, that's
8 there in its entirety. I've asked the witness some questions
9 about it. That's the purpose of the document. And so we -- we
10 submit that anything else that's not an open-door policy is not
11 relevant to this exhibit, so we don't need to get bogged down
12 in that.

13 HEARING OFFICER MEYERS: I -- I understand. But I think
14 that there -- the issue here is the Union requested it as part
15 of a subpoena and did not receive that. I'm not sure I'll
16 accept it into evidence.

17 So Mr. Rouco, was that part of your subpoena request is
18 that you have an unredacted copy provided?

19 MR. ROUCO: Yes, it was part of the subpoena request. And
20 no, we have not been given an unredacted copy.

21 MR. BRODERDORF: What -- what is --

22 MR. ROUCO: As far --

23 MR. BRODERDORF: Mr. Rouco, what -- if I may, what
24 specific request are you referring to, because this -- this is
25 the entire open-door policy.

1 MR. ROUCO: Well, I believe we asked for the manual. And
2 you know -- you know, you say it's the open-door policy, I
3 mean, but I don't know what preceding it. I guess I just have
4 to take your word for it. But the -- the point is --

5 MR. BRODERDORF: Well, the -- the witness is on the stand.
6 I believe I've already asked her if this is the policy. I can
7 certainly ask her again, or on cross you can ask her about the
8 extent of the policy.

9 HEARING OFFICER MEYERS: But Mr. Broderdorf, if they
10 requested this as part of their subpoena request and it wasn't
11 provided, you don't get the opportunity to now put it into
12 evidence. So my question, which subpoena request covered this,
13 and are you certain you didn't receive it?

14 MR. ROUCO: Well, I have to go back and look at the
15 subpoena. I don't have it in front of me, but what I do know
16 is we did not receive, and I think Mr. Broderdorf would agree
17 with this, an unredacted version of the owner's manual.

18 HEARING OFFICER MEYERS: Okay. But I need you to -- to
19 take a position as to whether or not this is going to cover
20 that. And I understand that you may have to check on that. So
21 with that in mind, with that objection, I am going to withhold
22 my ruling on the admissibility of this document.

23 MR. BRODERDORF: Understood. I'm prepared to proceed if
24 that works for you, Madame Hearing Officer.

25 HEARING OFFICER MEYERS: Please do.

1 MR. BRODERDORF: Thank you.

2 Q BY MR. BRODERDORF: Ms. Smith, you mentioned earlier in
3 your testimony, Voice of the Associates process.

4 A Yes.

5 Q Is that also called VOA?

6 A Yes, it is.

7 Q Please describe for the Hearing Officer, the Voice of the
8 Associates process.

9 A Yeah. So the Voice of the Associate is, it allows our
10 associates at any time to ask any questions, provide feedback,
11 raise concerns to our senior leaders. So once a day, all of
12 our senior leaders review the comments and then provide a
13 response back to the associate.

14 Q And how long has the VOA process been in existence at
15 BHM1?

16 A Since we launched.

17 Q And how do associates access the VOA process?

18 A Yeah, so there's two ways. Number one would be scanning a
19 QR code by the VOA board. So they scan the QR code. It takes
20 them directly to the webpage where they upload their comment.
21 The other way would be on their Amazon A to Z app or desktop
22 where they're able to view the portal and add their comment in
23 there.

24 Q And what sorts of issues or concerns can associates post
25 on Voice of the Associates?



1 A Anything they want.

2 Q Is there a general time frame or expectation for Amazon
3 getting back to associates?

4 A Yes, we typically respond within 24 hours.

5 Q Is there a physical board or electronic board anywhere in
6 the facility where Voice of the Associates is referenced or
7 accessible?

8 A Yes, we have two physical boards. They're TVs.

9 Q And when were the -- when were TVs put up?

10 A The TVs were put up in September 2020.

11 MR. BRODERDORF: Can we pull up what's been marked
12 Employer Exhibit 97, please?

13 HEARING OFFICER MEYERS: Madame Bailiff? Thank you.

14 Q BY MR. BRODERDORF: Ms. Smith, this -- this Exhibit 97 is
15 a one-page document. There are two screens in -- in -- in
16 the -- in the picture here. Are you familiar with this photo?

17 A Yes, I am.

18 Q How are you familiar with it?

19 A I took this photo.

20 Q And what are we looking at in that photo?

21 A You're looking at two different screens. So the TV on
22 your left with the white background is the actual Voice of the
23 Associate board. And the TV on your right-hand side with the
24 blue background is the Voices in Action TV.

25 Q So let's talk about the -- the left side. Obviously, we

1 can't -- can't see all the -- the fog on the screen there, but
2 can you describe what -- what's contained on -- on the left
3 screen?

4 A Yeah. So these are all the questions from associates and
5 then responses from our senior leaders.

6 Q So it's fair to say it's like a Q&A type format?

7 A Yes, it is.

8 Q And then how -- and -- and do associates have to put their
9 name on -- on a posting or is there an anonymous option?

10 A They don't have to. They can choose to do it anonymously.

11 Q And how about the screen on the right? What -- what --
12 what are we seeing on the right screen?

13 A So this screen is when an associate raises a concern. For
14 example, one we've had in the past is we need bigger plates in
15 the break room. So if we're able to provide bigger plates to
16 them we'll put it here. So associate's suggestion, we would
17 like bigger plates. Action taken, we provided the plates.

18 Q Okay.

19 A That's kind of an example.

20 Q And then in that example you just referred to, Ms. Smith,
21 do you recall when the suggestion was made and the response --
22 and it was a response issued?

23 A Yeah. That would have taken place in early April of 2020
24 right around the time we opened.

25 Q And there's a -- towards the left side, there's a small

1 looks like a piece of paper or posting on the wall. Do you see
2 that?

3 A Yes, I do.

4 Q And what -- what is that?

5 A So this kind of explains the VOA process and also allows
6 associates to scan the QR code, like I mentioned earlier, to
7 take them to the VOA portal to add their comment.

8 Q And how often do associates use the VOA process at BHM1?

9 A We typically get between one to three responses a day.

10 Q By responses you mean --

11 A Questions.

12 Q -- some sort of question or item?

13 A Yes.

14 Q So one to three per day?

15 A Yes.

16 Q Who specifically are the team members involved in
17 reviewing the responses or reviewing the postings and/or
18 responding?

19 A So the people who can respond are members of senior
20 support leadership, a senior operations manager, the assistant
21 general manager, or the general manager.

22 Q Is the VOA process specific to BHM1, or does it exist at
23 other locations?

24 A No, it exists at other locations.

25 Q Did it exist at the Charlotte or Orlando facilities you



1 previously worked at?

2 A Yes, it existed at both.

3 MR. BRODERDORF: I move for the admission of Exhibit 97.

4 HEARING OFFICER MEYERS: Any objection to the receipt of
5 Employer's 97, Mr. Rouco?

6 MR. ROUCO: If I may voir dire, just to get some
7 understanding of this photo?

8 HEARING OFFICER MEYERS: You can.

9 MR. ROUCO: Okay.

10 **VOIR DIRE EXAMINATION**

11 Q BY MR. ROUCO: Ms. Smith, when was this photo taken?

12 A It was taken on Friday, I believe.

13 Q Friday of last week?

14 A Yes.

15 Q And so --

16 MR. ROUCO: Okay. Well, I have no further questions. I
17 have no objection to -- to this exhibit.

18 HEARING OFFICER MEYERS: With that, Employer's Exhibit
19 90 -- is this 97?

20 MR. BRODERDORF: Yes, ma'am.

21 HEARING OFFICER MEYERS: 97 is received in evidence.

22 **(Employer Exhibit Number 97 Received into Evidence)**

23 Q BY MR. BRODERDORF: And Ms. Smith, you -- you testified
24 that electronic boards were put up in, you said, September
25 2020; is that correct?

1 A That's correct.

2 Q And so is this an example of the board that was put up in
3 September?

4 A Yes, it is.

5 Q In the same spot?

6 A Yes.

7 Q Has it moved since September?

8 A No, it has not.

9 Q Are there any other locations at the site where these
10 boards are posted?

11 A There is one more location. It's on the third floor, near
12 the main break room on the third floor.

13 Q And when were those boards posted?

14 A September of 2020.

15 Q And have they been up since September?

16 A Yes.

17 MR. BRODERDORF: Shifting gears a bit -- we can take down
18 Exhibit 97, please. Thank you.

19 Q BY MR. BRODERDORF: Are you familiar, Ms. Smith, with a
20 program called HR Desk?

21 A Yes, I am.

22 Q Please describe HR Desk for us.

23 A So the HR Desk is a desk where associates can come to at
24 any time between -- we're there between 6:30 a.m. and 3 a.m.
25 They can raise any kind of questions, concerns, provide

1 feedback, and we are there to help fix whatever issue they
2 have.

3 Q What sorts of concerns or issues can be raised at HR Desk?

4 A Yeah. So really any. Typically what we have is issues
5 with time corrections, questions about benefits, tax
6 information, leaves, raising concerns maybe about another
7 associate or their manager. Those are typically why an
8 associate would come to the HR Desk.

9 Q Who staffs the HR Desk?

10 A It would be our senior HR assistants.

11 Q And what days is the HR Desk open?

12 A It's open Sunday to Saturday, so seven days a week.

13 Q And what hours?

14 A 6:30 a.m. till 3 a.m.

15 Q And when the site opened, was there an HR Desk?

16 A Yes.

17 Q And was that -- is that -- have the days of week changed
18 at all since the site was opened?

19 A No.

20 Q Have the hours involved changed since the site opened?

21 A No.

22 Q And you testified you worked at two -- two prior Amazon
23 locations: Charlotte and Orlando. Did they have HR Desk?

24 A Yes, they did.

25 Q And did there come a time where, since you've been at



1 BHM1, that Amazon constructed a -- a second HR Desk somewhere?

2 A Yes, we did construct a second desk on the third floor.

3 Q And when did that occur?

4 A That occurred in the first week of November.

5 Q Were you involved in that construction?

6 A Yes, I did help.

7 Q And what was the reason for the creation of a second desk?

8 A Yeah. The reason was it was at the very beginning of
9 peak. That's when we hire a lot of associates. We want to
10 make sure we get through all of our associates questions in a
11 timely manner. So we added an additional desk to help support
12 our associates.

13 Q And what was going on with head count around that time?

14 A It was increasing pretty substantially.

15 Q Do you have any understanding of the numbers of folks who
16 were hired?

17 A It would have been hundreds of associates at that time.

18 Q Hundreds per week, per month?

19 A Typically during that time period, we onboarded at least
20 100 per week because it is our busiest time of the year.

21 Q Is that time of the year referred to as peak?

22 A Yes, it is.

23 Q And what's the time frame of peak?

24 A It's mid to early November, until the last week of
25 December.

1 Q And since -- since that HR Desk installation that you just
2 testified about -- testified about, are there any changes in
3 the number of desks at the site?

4 A No, not other than the two.

5 Q What about the number of HR reps who are assigned to help
6 out with the HR Desk?

7 A No, the same number at each desk.

8 Q And what about the days of the week that the desks are
9 open?

10 A No.

11 Q And how about the hours that the desks are open?

12 A No.

13 MR. BRODERDORF: I'd like to pull up Exhibits 98 and 99,
14 please.

15 HEARING OFFICER MEYERS: Madame Bailiff, can you please
16 put 98 and 99 -- well, 98 up, and then --

17 MR. BRODERDORF: Yes, please. Thank you. Yeah, we'll
18 start with 98. Thanks.

19 Q BY MR. BRODERDORF: Ms. Smith, we have Exhibit 98 pulled
20 up. Are you familiar with this photo?

21 A Yes, I am.

22 Q How are you familiar with it?

23 A This is the HR Desk located on the first floor.

24 Q When did you take this photo?

25 A I took this photo on Friday. So last Friday.

1 Q Has the HR Desk -- HR Desk been in this area since the
2 site opened?

3 A Yes.

4 Q And was the setup of the desk similar or was it -- was it
5 different in the past?

6 A It was very similar to this.

7 Q And so how would an associate use -- use this desk to --
8 to raise a concern or issue?

9 A Yeah. So what they would do is they would go up to the
10 area with the black banner. We would have two total HR people
11 sitting at this area. And that's where they would ask the
12 questions to our team members.

13 Q And how would the team members address those concerns?

14 A They would address it by trying to fix the question in the
15 moment. If they aren't able to fix it in the moment, they
16 typically would escalate it to their HR business partner so we
17 could help solve the problem.

18 Q Let's take a look at the next Exhibit 99, please. Are you
19 familiar with Exhibit 99, Ms. Smith?

20 A Yes.

21 Q How are you familiar with it?

22 A This is the HR Desk located on the third floor.

23 Q Is this the desk that was installed the first week of
24 November?

25 A Yes, it is.

1 Q Has it been in that location since then?

2 A Yes.

3 Q Has the setup stayed the same since then?

4 A Yes.

5 Q Is there -- is there any difference between the first
6 floor and the third-floor desk as far as the issues or concerns
7 that can be raised or addressed there?

8 A No.

9 MR. BRODERDORF: I move for the admission of Exhibits 98
10 and 99.

11 HEARING OFFICER MEYERS: Any objection to the receipt of
12 Exhibits 98 and 99?

13 MR. ROUCO: No objection.

14 HEARING OFFICER MEYERS: 98 and 99 are admitted.

15 **(Employer Exhibit Numbers 98 and 99 Received into Evidence)**

16 Q BY MR. BRODERDORF: Ms. Smith, are you familiar with
17 what's called the A to Z app?

18 A Yes, I am.

19 Q And please tell us about the A to Z app.

20 A Yeah. So the A to Z app is kind of the one-stop shop for
21 our associates. This is where they can submit their punches,
22 request time off, view benefits, start a leave. They can raise
23 concerns through here, ask questions. So that's really an
24 overview of what they can do on the app.

25 Q And when was the A to Z app introduced?



1 A We've had some form of the A to Z app since I've been
2 employed with Amazon.

3 Q Was there an expansion or a change to the A to Z app
4 features or offerings at some point during your time with
5 Amazon?

6 A Yeah, they have added a few more features to the A to Z
7 app.

8 Q Were there any efforts by Amazon during your time at BHM1
9 to promote the A to Z app?

10 A Yes, there was.

11 Q And so when did -- when did those efforts occur?

12 A That started in September.

13 Q And roughly how long did those -- did those efforts
14 continue?

15 A We're still doing most of them to this day.

16 Q Well, I'm referring to the promotion of the -- of the A to
17 Z.

18 A The promotion?

19 Q Yes.

20 A The actual promotion lasted about eight weeks.

21 Q Okay. And how were you involved in that promotion period?

22 A Yeah. So I -- I was in charge of making sure that our
23 managers and our associates and our HR team were all informed
24 of any new updates to the app and then how we would get
25 associates to use the app.

1 Q Did those efforts involve any HR employees walking around
2 a facility to visit associates?

3 A Yes, it did.

4 Q Can you describe those efforts for us?

5 A Yeah. So part of the effort for self-service was opting
6 in what's called A to Z. So they would get notifications. So
7 these would notify them of building closures, building updates.
8 Any kind of things that they would need to know. So what our
9 team would do is we would download a spreadsheet every single
10 morning, print it out that had the list of associates who had
11 not opted in yet, and we would go up to their station, speak to
12 them one-on-one to see if they wanted to opt in to the
13 notifications.

14 Q What would happen during those discussions?

15 A Yeah. So we would talk to the associate, introduce
16 ourselves, inform them about what the A to Z app is, why it's
17 important to opt in, ask them if they wanted to opt in. If
18 they did, we'd walk them through it. And then we'd also, since
19 we were there, ask them -- see if everything's going okay, see
20 if they needed any additional support.

21 Q And when the HR representatives were visiting stations,
22 did they carry any -- any paper or electronic items with them?

23 A Yeah. They would typically always have their laptop with
24 them.

25 Q And during these sessions, would the -- would the HR reps



1 take any notes?

2 A Yeah. They would take notes on the associate concern and
3 what they talked to the associate about.

4 Q But what about the issue of opting in or opting out? Was
5 there -- was there an effort made to track opt in and out?

6 A Yes, there was.

7 Q And how -- what efforts were made to do that?

8 A So we would mark yes or no on the Excel sheets if they
9 opted in. And then we'd re-pull that report to see if the
10 associates opted in.

11 Q Was that information from the associates recorded in front
12 of them or near their stations?

13 A Yes, it was.

14 MR. BRODERDORF: I want to pull up -- or if we could,
15 Madame Hearing Officer, with your permission, pull up what's
16 been marked Employer Exhibit 100.

17 HEARING OFFICER MEYERS: Madame Bailiff, could you put up
18 100, please?

19 MR. BRODERDORF: Thank you.

20 Q BY MR. BRODERDORF: Ms. Smith, we have Exhibit 100.
21 It's a multi-slide PowerPoint. I'm not going to ask you
22 questions about every -- every slide, but whether on the screen
23 or in front of you, please take a moment to look at Exhibit 100
24 and let us know when you're ready to answer some questions.

25 A Okay.

1 MR. BRODERDORF: Thank you. That's the end of Exhibit
2 100.

3 THE WITNESS: Okay. I'm ready for any questions.

4 Q BY MR. BRODERDORF: Thank you. So as part of the -- the A
5 to Z efforts that you -- you testified to, do you recall
6 roughly how many associates Amazon had to interact with as part
7 of the process?

8 A Yeah. So we would have had to talk to every single
9 associate to make sure they opted in.

10 Q And as part of that -- that effort, did Amazon have any
11 training or presentations regarding this -- this A to Z
12 promotional period?

13 A Yes, we trained both of our managers and our HR team.

14 Q And Employer Exhibit 100, and I know you've had -- had a
15 moment to look through it, are you familiar with this document?

16 A Yes, I am.

17 Q And what is it?

18 A This is the document that was used to train our managers
19 and HR team.

20 Q Were you involved in that training process?

21 A Yes, I was.

22 Q And how were you involved?

23 A I trained the HR team at the HR meeting, and then I led
24 some of the trainings for our managers.

25 Q There's a -- there's a date there, September 4, 2020. Do

1 you see that date on the first slide?

2 A Yes, I do.

3 Q And do you recall if the training occurred then around
4 that time, or did it occur later?

5 A It would have occurred within one week of that date.

6 Q And the term self-service, what is -- what does that mean
7 as it relates to A to Z?

8 A Self-service means that we found that roughly 70 percent
9 of questions that our associates go to the HR desk for can
10 actually now be fixed in the A to Z app. So self-service is
11 just our associates using the A to Z app to help solve their
12 problems.

13 Q And flipping through Exhibit 100, if we could get to
14 what's labeled at the bottom, 668. And it's right there. So
15 this slide, Ms. Smith, says engaging associates about opting
16 in. So how -- how does this slide relate to your testimony
17 about engaging associates on the A to Z promotion?

18 A Yeah. So this web page shows the report that we actually
19 pull to show what associates opted in and what associates
20 didn't opt in.

21 Q And if we flip to the next page. It appears to be a
22 similar -- similar content.

23 A Yes.

24 Q Do you agree?

25 A Yes.

1 Q And then the next -- the next page, 670 at the bottom,
2 there's a -- there's Peccy wearing an obs vest. There's a
3 reference there to a sample engagement with a -- with a link.
4 And I'm actually going to show you that -- that engagement as
5 Exhibit 101. But can you briefly describe what -- what the
6 point of the -- of the engagement process or -- or sample
7 engagement was as part of the training?

8 A Yeah. The purpose of the sample engagement was to help
9 our either HR team or our managers when they're having this
10 conversation to help guide them through what they would talk to
11 the associate about, how they would introduce themselves to
12 overall how you have the conversation.

13 Q Thank you. And then flipping to the next page. There's a
14 reference to -- that's page 607. When there's reference to
15 chatbot and HR cases. So are those two different things?

16 A They accomplish the same goal, but they are slightly
17 different.

18 Q So let's -- let talk about chatbot. Was that a new -- a
19 new program as part of this A to Z promotion, or did chatbot
20 exist before?

21 A HR chatbot, that was a new feature that started in June of
22 2020.

23 Q And then scrolling down to slide 672. There's a
24 description here of chatbot. I'll just ask you to briefly tell
25 us what -- what chatbot is all about.

1 A Yeah. So chatbot is a system where you can type in your
2 question and it will try to answer it by a kind of an FAQ
3 website. So if I type in time punch, it will give me questions
4 regarding to that. So just to try to easily solve your issue.

5 Q Is chatbot staffed by employees or is it some sort of
6 automated system?

7 A It's an automated system.

8 Q And what if somebody has a concern that can't be addressed
9 through -- through chatbot? Is there -- is there an option
10 through the --

11 A Yes.

12 Q -- A to Z app?

13 A Yes. So if it can't be answered by chatbot, it redirects
14 them to HR cases.

15 Q Okay. Okay. So if we flip to the next slide, 673 at the
16 bottom it says, "What is HR cases?" So what would happen to an
17 associate who has a concern or issue when HR cases is
18 triggered?

19 A Yeah. So when HR cases is triggered, they're able to
20 insert their question, press submit, and then it directly goes
21 to the local HR team.

22 Q And the -- the next slide has -- shows some -- some types
23 of cases.

24 MR. BRODERDORF: If we could scroll down one slide,
25 please.

1 Q BY MR. BRODERDORF: Is this an accurate description of
2 concerns or issues that can be raised through chatbot or HR
3 cases?

4 A Yes.

5 Q Is there anything else you would add?

6 A No, that covers most of the questions.

7 Q And if -- if -- if HR cases is triggered, is there some
8 sort of log or record that's kept for the -- for management or
9 the associate?

10 A Yes. It creates a case that both local HR and the
11 associate can view.

12 MR. BRODERDORF: Let's scroll down to the next slide,
13 please. Let's go to the next slide.

14 Q BY MR. BRODERDORF: And -- and so these -- these slides,
15 Ms. Smith, what -- what do these slide show?

16 A These slide show what an associate would see when they're
17 using HR chatbot.

18 Q Basically screenshots?

19 A Yes.

20 MR. BRODERDORF: Okay. And if we could scroll down again
21 to the slides here, to associate HR cases.

22 Q BY MR. BRODERDORF: Can you briefly describe the HR case
23 log that's created when someone has a concern or issue?

24 A Yes. So once a associate submits the concern, this is
25 what their webpage will look like. So they'll be able to see

1 their case number, the category, what the subject is, when they
2 created it, and then the status. So if we responded to it yet.

3 Q And -- and through this response, is it -- is it possible
4 for -- for associates to ask a -- ask a question or -- or raise
5 an issue that's not directly related to one of those categories
6 on the slide we looked at earlier?

7 A Yes, it is.

8 Q And how would HR then -- then review or address those --
9 those issues?

10 A Yeah. So once an associate submits a concern, it goes
11 directly into what's called our HR case queue. We read through
12 the questions. We respond to them typically within 24 hours or
13 less.

14 Q And -- and who's responsible for reviewing and addressing
15 those -- those items?

16 A The senior HR assistants.

17 Q And are those assistants based at BHM1, or are they based
18 somewhere else?

19 A They're based at BHM1.

20 Q And the chatbot feature and the HR cases structure in the
21 A to Z app, how long has that been -- how long has that been
22 available to -- to associates?

23 A That feature became available in June of 2020.

24 Q And has it been available to associates since June 2020
25 through the present?

1 A Yes.

2 Q Did you know if any HR assistants have addressed concerns
3 or issues raised by BHM1 associates through that process?

4 A Yes, they have.

5 Q How often does it occur?

6 A We get at least 10 questions per day, but usually
7 significantly more than that.

8 MR. BRODERDORF: I think we're near the end of Exhibit
9 100, and I'm -- we're going to move for the admission of the --
10 of the document now.

11 HEARING OFFICER MEYERS: Any objection to the admission of
12 Employer's 100?

13 MR. ROUCO: No objection.

14 HEARING OFFICER MEYERS: 100 is received.

15 **(Employer Exhibit Number 100 Received into Evidence)**

16 MR. BRODERDORF: Thank you. Let's turn to Exhibit 101, which
17 is appearing on the screen. Ms. Smith, take a moment to look
18 at this document, and let us know when you're ready?

19 A Okay, I'm ready.

20 Q Are you familiar with Exhibit 101?

21 A Yes.

22 Q What is Exhibit 101?

23 A This is an example of that our HR team and managers would
24 use when they're having that A to Z Optic conversation with
25 associates.

1 Q Is this the attachment that was referred to in -- in
2 Exhibit 100?

3 A Yes.

4 Q And without reading on the -- without reading the --
5 the -- the -- the text on the screen, I'll just ask you to
6 briefly tell us what was communicated to HR reps and managers
7 regarding their encounters with associates as part of this
8 process?

9 A Yeah, so what they were supposed to communicate is
10 introduce, you know -- speak to the associate one on one,
11 introduce themselves, go through the different features on the A
12 to Z app, see if they wanted to opt in, and then see if they
13 had any other questions that they needed assistance with.

14 Q And to your knowledge, did that process occur with all of
15 the BHM1 associates over that eight-week period?

16 A Yes.

17 Q And was this sample notification, was it provided as a
18 handout at all, or was it something that a manager or HR rep
19 would have to print out?

20 A This is something that a manager or HR would have to print
21 out, and it was given during the trainings.

22 Q And when the HR reps or managers would visit the
23 associates, did they have any handouts to give them?

24 A Yes, they would sometimes give them handouts on the A to Z
25 features and functions, what they can expect using the updated

1 A to Z app.

2 MR. BRODERDORF: I move for the admission of Exhibit 101.

3 HEARING OFFICER MEYERS: Any objection to the admission of
4 101?

5 MR. ROUCO: No objection.

6 HEARING OFFICER MEYERS: Employer's 101 is admitted.

7 **(Employer Exhibit Number 101 Received into Evidence)**

8 MR. BRODERDORF: Thank you. We can take down Exhibit 101.

9 Q BY MR. BRODERDORF: Ms. S Smith the A to Z program, I know
10 we talked about it as an app. So I'd just like to ask you
11 where that would be accessible for associates. So for example,
12 can the app be downloaded to an employee's personal device?

13 A Yes, it can be downloaded to their personal device.

14 Q Is that app available to nonemployees of Amazon?

15 A No, it's only available to employees of Amazon.

16 Q And it's the associates' option to use their personal
17 device for that if they want to?

18 A Yes.

19 Q Based upon the efforts that you testified about to -- to
20 promote the app, do -- do you have a sense of how many
21 associates in the tier 1 or tier 3 group have -- have
22 downloaded the app?

23 A Yeah, so it -- was 90-plus percent of associates opted in.

24 Q And going into that effort, do you have a sense of
25 where -- of where you started the -- the initiative as far as

1 participation levels?

2 A Where we started would have been in the, like, high 60s to
3 low 70s, and then we slowly worked our way up to 90-plus
4 percent.

5 Q And if an associate chooses not to download the app or --
6 or forgets to download the appropriate, is there another
7 location or locations at the site where an associate can access
8 A to Z?

9 A Yeah, they can access it at any of our computers or
10 Kindles located on the floor or in the breakroom.

11 Q And -- and how long have those access points been
12 available at the site?

13 A Since we launched.

14 Q And have they been available throughout that time?

15 A Yes.

16 MR. BRODERDORF: Can we look at Employer Exhibit 102,
17 please?

18 HEARING OFFICER MEYERS: Madam Bailiff, can you put up
19 102, please? Thank you.

20 Q BY MR. BRODERDORF: Ms. Smith are you very familiar with
21 Employer Exhibit 102?

22 A Yes, I am.

23 Q And how are you familiar with it?

24 A This is the A to Z Kindle area located on the third floor.

25 Q Well, specifically, this -- this photo, have you seen this

1 photo before?

2 A Yes, I've taken this photo.

3 Q So this was a photo that you -- you look at the site?

4 A Yes.

5 Q And what are we looking at in the photo?

6 A So we're looking at two different Kindles. So this is
7 where associates can access the A to Z app. And then, the
8 poster kind of goes through the different functions of the A to
9 Z app.

10 MR. BRODERDORF: II move for the admission of Exhibit 102.

11 HEARING OFFICER MEYERS: Any objection to the admission of
12 Employer's Exhibit 102?

13 MR. ROUCO: May I ask a question?

14 HEARING OFFICER MEYERS: You can voir dire, or.

15 MR. ROUCO: Yes.

16 **VOIR DIRE EXAMINATION**

17 Q BY MR. ROUCO: When was this photo taken?

18 A This photo was taken on Friday.

19 Q And -- and you took this photo?

20 A Yes, I did.

21 HEARING OFFICER MEYERS: Any objection to the admission?

22 MR. ROUCO: No.

23 HEARING OFFICER MEYERS: 102 is admitted.

24 **(Employer Exhibit Number 102 Received into Evidence)**

25 **RESUMED DIRECT EXAMINATION**



1 Q BY MR. BRODERDORF: Well, Ms. Smith, I have some
2 additional questions regarding the ERC or the Employee Resource
3 Center that you testified about earlier. So what -- what
4 specific issues -- well, first, let me start with where --
5 where is the ERC based?

6 A It's a call center that is based around the world.

7 Q And is BHM1 a site that can access the call center?

8 A Yes.

9 Q And how would an associate access the ERC?

10 A So they would call them.

11 Q So there's a phone number?

12 A Yes.

13 Q And when did the ERC become available to BHM1 associates?

14 A When we launched.

15 Q And has it been available to associates since the launch?

16 A Yes.

17 Q And what issues or concerns can associates call -- or
18 raise with ERC?

19 A So they can call about time-off issues, leave of absences,
20 benefits, pay questions. They can call to raise concerns.
21 Those are typically what an associate would call the ERC for.

22 Q Is the local HR involved -- involved with any ERC
23 questions or issues?

24 A No, we're not.

25 Q Are there ever times when the ERC refers issues back to



1 local HR for resolution?

2 A Yes, there are times. When they can't answer the
3 question, they'll referred back to the site.

4 Q How often does that occur?

5 A I would say maybe half the time an associate calls in.

6 Q And how about the reverse? How often is it the case where
7 someone may contact local HR and then they'll say contacting
8 the ERC is the -- is the way to go?

9 A Pretty infrequently. The only things that they can help
10 with that if we can't, would be questions related to leads,
11 sometimes, and then questions related to actual pay. But
12 everything else, we can help with.

13 Q And when you worked at the other Amazon locations prior to
14 coming to BHM1, was the ERC accessible to associates at those
15 sites?

16 A Yes, it was.

17 Q Just one -- one additional follow up on -- on Exhibit 102
18 up on -- on screen here. So the -- the specific station that
19 we're looking here, when was this station established at the
20 site?

21 A This actual station was established in November, when that
22 second desk was added upstairs.

23 Q So this was part of the -- it's near the third desk?

24 A Yes.

25 Q And what was the reason for establishing that -- that



1 station near -- near the third desk?

2 A Just an easy access for an associate, so if they have
3 questions, we can walk them over and walk them through how to
4 use the A to Z app.

5 Q And this -- this picture here, is there a similar station
6 on the first floor?

7 A Yes, there is.

8 Q And when was that established?

9 A When we launched.

10 Q And it's been at the same location?

11 A Yes, it has.

12 Q Let -- let me clarify. It's at same location since March
13 of 2020?

14 A Yes.

15 Q Are you familiar with a program called Amazon Connections?

16 THE BAILIFF: Hold on just a minute. I think we might
17 have lost -- oh, no, never mind. Continue. I'm sorry.

18 THE WITNESS: Yes, I am.

19 Q BY MR. BRODERDORF: Please describing Amazon Connections
20 program for us?

21 A So Amazon Connections is a program where associates and
22 managers get questions every day on their screens.

23 Q So you're saying "on their screens"; what --

24 A Um-hum.

25 Q -- what -- what -- what screens are you talking about?



1 A So could it have -- it could be their desktop where they
2 work. It could be the screen at their actual workstation, and
3 then our Connections kiosk around the facility.

4 Q And so what -- what percentage of the employees at the
5 site would -- would have an access to Amazon Connections each
6 day?

7 A Every associate.

8 Q And how long has that program been around?

9 A It's been around at BHM1 since we launched.

10 Q Was that program around at the other Amazon sites you
11 worked at?

12 A Yes, at both sites.

13 Q Is the Amazon Connections program managed through local
14 HR, or is it managed somewhere else?

15 A It's managed somewhere else.

16 Q Do you know where else?

17 A There's a corporate team that oversees it.

18 Q And what sort of questions are -- are raised or included
19 in the Connections program?

20 A Typically, safety related questions, COVID related
21 questions, feedback on your work environment, feedback on
22 managers, and then how we can overall improve the site.

23 Q And specifically BHM1, you said the program has been in
24 existence there since -- since launch. To your knowledge, were
25 there any changes in the program between March and -- and the

1 present?

2 A No, not to my knowledge.

3 MR. BRODERDORF: I'd like to pull up Exhibit 103, please.

4 Q BY MR. BRODERDORF: Are you familiar with Exhibit 103?

5 A Yes, I am.

6 Q And what is it?

7 A This is the Amazon Connections kiosk.

8 Q And where this located?

9 A This is located on the first floor.

10 Q And when was this kiosk established?

11 A This was established when we launched.

12 Q Has it been there ever since?

13 A Yes.

14 Q And so how would an associate access this location to see
15 Connections questions?

16 A Yeah, so they can walk up there at any time, scan their
17 badge or enter their login, and the questions would pop up.

18 Q And then, how would they respond?

19 A They would respond using the mouse, selecting their
20 questions, and then pressing submit.

21 Q Do you know if they respond anonymously, or is it linked
22 to their -- their name or their employee number?

23 A It's anonymous.

24 Q And you mentioned that the questions would pop up at their
25 stations; is that different than this kiosk?

1 A No, they're both the same.

2 Q Well, I mean, the -- I guess my question is -- is, are the
3 questions, are the same questions, available at their kiosk,
4 at -- at their own workstation?

5 A Yes, it's the same questions.

6 Q And so is this -- is this kiosk just another option to
7 access the same question that's available?

8 A Yes.

9 Q Do you know the purpose of the Connections program?

10 A The purpose is to gather feedback from our associates and
11 leaders.

12 Q And do you know if Amazon reviews or analyzes that
13 feedback?

14 A Yes, they do.

15 Q How do you know that?

16 A Because we get reports of, just, generalized questions.

17 Q What -- what -- what types of questions are -- are -- are
18 asked in the questions?

19 A It could be, do you have all of the supplies you need at
20 your workstation, does your manager -- how is your manager
21 engaging with you, do you -- is there spacing near the break
22 rooms, does everyone on your shift wear their mask
23 appropriately, questions along those lines.

24 Q Have you been involved in any efforts at -- at BHM1
25 specifically to use the feedback to make any changes or

1 improvements?

2 A Yes, I have.

3 Q Can you describe an example or two for us?

4 A Yeah, so one example that comes to my mind would be a
5 manager that I was working with. He had what we considered a
6 low Connections score. So what I did was I worked with him. I
7 sat down and talked to him to kind of go through why our
8 Connections scores were lower than he wanted them.

9 So what we determined was he was having conversations with
10 his -- his associates. He was engaging, but he wasn't engaging
11 in the right way. He wasn't getting to know his associates on
12 a personal level. So what we did was we worked with him, we
13 worked with his associates, and we were able to increase his
14 Connections scores to what's considered achieving. So that's
15 one example of when we can use Connections to actually improve
16 the business.

17 Q And when did that example occur?

18 A That would have occurred in early summer.

19 Q Of 2020?

20 A Yes, 2020.

21 MR. BRODERDORF: I move for the admission of Exhibit 103.

22 HEARING OFFICER MEYERS: Any objection to the admission of
23 103?

24 MR. ROUCO: No objection.

25 HEARING OFFICER MEYERS: 103 is admitted.

1 **(Employer Exhibit Number 103 Received into Evidence)**

2 MR. BRODERDORF: Thank you.

3 Q BY MR. BRODERDORF: Ms. Smith, are you familiar with --
4 with a log or a record of all the Connections questions that
5 have been deployed at BHM1?

6 A Yes, I am.

7 MR. BRODERDORF: Let's pull up Exhibit 104, please? And
8 Madam Hearing Officer, Exhibit 104, I think is our -- at least
9 with Ms. Smith -- our last lengthy exhibit. We're putting the
10 entire document into the record for -- for completeness. It's
11 also been -- it was a document that we produced to the Union
12 pursuant to the subpoena. And I'm not have -- certainly not
13 having -- planning on Ms. Smith to go through every line in
14 here. But I do want to ask her some questions about the
15 columns in general, and as well as a few specific questions
16 that were --

17 HEARING OFFICER MEYERS: Before we do this.

18 MR. BRODERDORF: Yes, please.

19 HEARING OFFICER MEYERS: I -- what is the relevance of
20 anything that happened in 9/11/19? The facility wasn't even
21 open.

22 MR. BRODERDORF: Yes. Yeah, I do actually have a question
23 about why there are -- why there are entries there. And I'm
24 happy to -- to address that now in the --

25 HEARING OFFICER MEYERS: But it's not in the critical



1 period. I mean, I just --

2 MR. BRODERDORF: Right. Well, if -- if -- if -- if --

3 HEARING OFFICER MEYERS: Looks like I'm too -- go ahead.

4 MR. BRODERDORF: Yeah, if -- if I may, one of the --

5 and -- and -- and if we need to go -- I know the hearings on
6 the stand --excuse me -- the witnesses is on the stand now. So

7 if we need to potentially have her go on -- on mute, I -- I --

8 this -- this -- this is directly relevant slash rebutting --

9 HEARING OFFICER MEYERS: I didn't understand why it's
10 potentially relevant. But before we have any -- how long --
11 how long is this document?

12 MR. BRODERDORF: This -- this Excel, I believe, is about
13 25 pages.

14 HEARING OFFICER MEYERS: Let's let the witness testify,
15 and I'll determine how relevant the 25 pages are.

16 MR. BRODERDORF: Thank you.

17 Q BY MR. BRODERDORF: Ms. Smith, this document here that's
18 been labeled Exhibit 106 (sic), do you know what this document
19 is?

20 A Yes, this is a record of all Connections questions.

21 Q And there's a column on the left that says "location,
22 BHM1", so that -- that's you work at?

23 A Yes, it is.

24 Q And there's the third column that says "first date asked";
25 do you know why there's entries in 2019, before the site

1 officially opened?

2 A Yeah. So even though the building didn't open until 2020,
3 we have people on site, sometimes, one-plus years prior to
4 that. So for example, IT has to come on site before the
5 building launches. So that's why you see the 2019.

6 Q And so it may -- may be reaching fewer Amazon employees,
7 but it was reaching some employees associated with BHM1?

8 A Yes.

9 Q And then, the column that says, "content text", do you
10 know -- do you know what that -- what's contained in that
11 column?

12 A Yeah, so these are the questions that were asked to
13 associates.

14 Q And by "asked", you're referring to the screens at their
15 station or the kiosk?

16 A Yes.

17 MR. BRODERDORF: And Madam Hearing Officer, there were
18 some entries in 2020 I was going to highlight for the record.

19 HEARING OFFICER MEYERS: Okay.

20 MR. BRODERDORF: And that's -- that's -- that was the
21 extent of -- of what I was planning with this document.

22 HEARING OFFICER MEYERS: Okay.

23 MR. BRODERDORF: Thank you. If we can go to the page at
24 the bottom-right that's labeled 610?. Thank you.

25 Q BY MR. BRODERDORF: And then, there are some entries on --

1 on June 19th and June 20th, 2020. Do you see those, Ms. Smith?

2 A Yes.

3 MR. BRODERDORF: And -- and just to -- just for clarity,
4 if we could scroll up a bit to the columns. And -- and we can
5 jump back to the first one.

6 Q BY MR. BRODERDORF: But the -- the -- the column on the
7 left, is it your understanding that that's the date it was
8 asked, or first asked?

9 A First asked, yes.

10 Q And then, what's the date next to it?

11 A The last time that it was asked.

12 Q And so is it possible that it was asked in between those
13 dates, as well?

14 A Yes.

15 Q And -- and so when you look at June 16th, or excuse me,
16 June 19th and June 20th, were there any questions there related
17 to manager satisfaction?

18 A Yes.

19 Q Can you point out at least one for us?

20 A One I'm seeing is "does your manager make you feel like
21 part of the team".

22 Q And then, anything on June 20th?

23 A Yes, "do you feel that your manager appreciates your hard
24 work".

25 Q And was there any reference on June 20th to contacting HR?

1 A Yes.

2 Q Which one is that?

3 A "How comfortable are you reaching out to HR with a
4 question or work concern".

5 Q And then, the specific question you testified about, I
6 note that there is text in -- in brackets; do you see that
7 text, like, for example, yes, no, don't know?

8 A Yes.

9 Q Do you know what those brackets contain?

10 A These are the responses the associates would be able to
11 choose.

12 Q So you're saying those are the response options that would
13 be cataloged?

14 A Yes.

15 MR. BRODERDORF: Thank you.

16 And if we could turn to page 612, and specifically, the
17 third column, date, August 11th, 2020. Yes, thank you.

18 Q BY MR. BRODERDORF: So the -- the question there, Ms.
19 Smith, is that -- it seems like that's -- that's classified as
20 an -- as -- excuse me, an inclusion question; are you familiar
21 with that category?

22 A Yes, I am.

23 Q And what's that category all about?

24 A That category means it's asked to both managers and
25 associates.

1 MR. BRODERDORF: Okay, and last page that I'm going to
2 take us to is page 614, and specifically, an entry on October
3 21st.

4 Q BY MR. BRODERDORF: And is this a -- is this -- are we
5 asking a question that day about managers?

6 A Yes.

7 MR. BRODERDORF: I move for the admission of Exhibit 104.

8 HEARING OFFICER MEYERS: Any objection to the admission of
9 104?

10 MR. ROUCO: No objection.

11 HEARING OFFICER MEYERS: 104 is admitted.

12 **(Employer Exhibit Number 104 Received into Evidence)**

13 MR. BRODERDORF: Thank you.

14 Q BY MR. BRODERDORF: Ms. Smith, do you have any information
15 that indicates that Amazon changed the Connection program at
16 BHM1 due to the union campaign?

17 A No.

18 Q And why -- why do you say that?

19 A Because we've been asking similar to the same questions
20 the entire time.

21 Q When you say, "the entire time:", what do you mean, "the
22 entire time"?

23 A That every day, our associates receive Connections
24 questions.

25 Q And "every day", is that referring to a certain time

1 frame?

2 A Yeah, they typically receive them once they walk into
3 their station for the day.

4 Q And that started at the site in March of 2020?

5 A Yes.

6 Q And has it continued throughout -- since then until --
7 until the present?

8 A Yes.

9 Q Do you know -- do you know if there were any questions
10 raised through Connections at all about the mail ballot
11 deadline?

12 A I believe there were a few.

13 Q So you recall a few questions about the deadline?

14 A Yes.

15 Q Do you recall any other union-campaign-specific
16 Connections questions?

17 A Not that I can remember.

18 Q In your role as HRBP, are you involved in corrective
19 action or employee discipline at the site?

20 A Yes, I am.

21 Q How are you involved in that process?

22 A My role would be to approve it, deliver it, and then make
23 sure it follows according to policy.

24 Q And are you familiar with the site having, at any point
25 since you've been there, a board or a group called the employee

1 review board?

2 A I'm not familiar with that term.

3 Q Do you know if that term is used anywhere else in Amazon?

4 A Not that I know of.

5 Q So you've never heard of -- you've never heard of the
6 term, employee review board, at Amazon?

7 A No.

8 Q Are there certain types of disciplinary action that Amazon
9 issues that an associate can -- can challenge through an
10 appeals process?

11 A Yes, there is.

12 Q And are you familiar with the appeals process?

13 A Yes, I am.

14 Q Please describe the process for us?

15 A Yeah, so associates who qualify for the appeals process
16 can appeal final written warnings and terminations.

17 Q How long is that process been around?

18 A That process has been around as long as I've been with
19 Amazon.

20 Q And has BHM1 applied that policy to associates?

21 A Yes.

22 MR. BRODERDORF: Let's pull up Exhibit 105, please.

23 Q BY MR. BRODERDORF: Please review Exhibit 105 and let us
24 know when you're ready for some questions?

25 A Okay, I'm ready for questions.

1 Q Do you recognize this document?

2 A Yes, this is the appeals policy.

3 MR. BRODERDORF: Then, if we scroll to the bottom of
4 Exhibit 104, excuse me, 105. Can we go to the bottom where
5 there's a date? Thank you.

6 Q BY MR. BRODERDORF: There's a reference there to "updated
7 July 31st, 2018. To your knowledge, has the policy changed at
8 all since then?

9 A No.

10 Q And what other -- what other sites put at Amazon have this
11 policy?

12 A All sites, to my knowledge,

13 Q Where is this policy accessible for associates?

14 A This policy is accessible through inside Amazon. The
15 associates will just search, appeals policy, and it'll come up
16 for them.

17 Q And -- and in brief, what -- what specifically can an
18 associate appeal under this policy?

19 A So they can appeal final written warnings and terminations
20 as long as it doesn't fall under a few categories. So those
21 would be workplace violence, assault, drug usage. Those are
22 few when associates can't appeal.

23 Q Do associates who could be employed for a certain period
24 of time before they're eligible for this process?

25 A Yes, they have to be employed for 90 days.



1 Q Are you involved in the application of the appeals process
2 to associates at BHM1?

3 A Yes.

4 Q How are involved in that application?

5 A My involvement would be if an associate is eligible,
6 ensuring they're informed, and then making sure the appeal is
7 held -- or heard in a timely manner.

8 Q And does Amazon keep records of the number of appeals that
9 are filed at the -- at specific locations?

10 A Yes, we do.

11 Q And are you involved in reviewing and keeping records
12 associated with the appeals process at BHM1?

13 A Yes.

14 Q Do you know if associates have -- have used the process at
15 the site going back over the last 15, 16 months since the site
16 opened?

17 A Yes.

18 MR. BRODERDORF: I move for the admission of Exhibit 105.

19 HEARING OFFICER MEYERS: Any objections to the admission
20 of 105?

21 MR. ROUCO: No objection.

22 HEARING OFFICER MEYERS: 105 is admitted.

23 **(Employer Exhibit Number 105 Received into Evidence)**

24 Q BY MR. BRODERDORF: Are you familiar with a current BHM1
25 employee named Timothy Bibbs?

1 A Yes, I am.

2 Q Do you know if Mr. Bibbs was an employee who received
3 discipline and then appealed it under this policy?

4 A Yes.

5 Q And what specifically occurred with Mr. Bibbs discipline
6 and his appeal?

7 A His -- he appealed, and the appeal was overturned, so he
8 was reinstated.

9 Q So what was Amazon's original decision regarding Mr.
10 Bibb's employment?

11 A The original decision was to terminate him.

12 Q And Mr. Bibbs, did -- did he pursue an appeal?

13 A Yes, he did.

14 Q And how was his appeal processed?

15 A His appeal was reviewed by a general manager, and then our
16 general manager decided to reinstate the employee.

17 Q Has anything about the appeals policy changed at BHM1
18 since it opened in March 2020?

19 A No.

20 MR. BRODERDORF: Let's take a look at Employer Exhibit
21 106.

22 Q BY MR. BRODERDORF: Are you familiar with Exhibit 106?

23 A Yes, I am.

24 Q How was this data put together?

25 A This data was pulled together by one of our Amazon appeal

1 tracking websites.

2 Q And how is the data pulled, into Excel, or is there some
3 other format?

4 A It was pulled into Excel.

5 Q And what does this chart show us?

6 A This chart represents how many appeals were filed and
7 heard during each month.

8 Q At BHM1?

9 A Yes.

10 Q And is this data based on the Excel file that you just
11 mentioned?

12 A Yes, it is.

13 Q And specifically, the numbers, the numbers in there, what
14 do those numbers correspond to?

15 A The numbers of appeals that were heard.

16 Q And would that include discharge appeals?

17 A Yes.

18 Q Would that include warning appeals?

19 A Yes.

20 MR. BRODERDORF: I move for the admission of Exhibit 106.

21 HEARING OFFICER MEYERS: Mr. Rouco?

22 MR. ROUCO: No objection.

23 MR. BRODERDORF: Thank you.

24 HEARING OFFICER MEYERS: 106 is admitted.

25 **(Employer Exhibit Number 106 Received into Evidence)**

1 Q BY MR. BRODERDORF: Ms. -- Ms. Smith, I have some
2 questions for you regarding merchandise, or what's also known
3 as swag, at Amazon. Are you familiar with --

4 MR. BRODERDORF: We can -- we can take down Exhibit 106,
5 please. Thank you.

6 Q BY MR. BRODERDORF: Ms. Smith, in your role as senior
7 HRBP, do you have any responsibility or role with the
8 distribution of swag or merchandise to associates?

9 A Yes, I do.

10 Q Please tell us about your -- your responsibilities?

11 A So my role would be designing them, and then selecting the
12 different things we would hand out.

13 Q And so let's -- let's talk about the -- the -- the time
14 when you first started at BHM1 with the -- with the launch of
15 the site. How soon after the launch was there any program or
16 distribution of swag?

17 A It started on the first day.

18 Q And given your experience at the other two Amazon sites,
19 were there swag or merchandise programs there?

20 A Yes.

21 Q And so can you describe for us what type of merchandise is
22 given out to associates, for example, on their -- on their
23 first day?

24 A Yeah, so they would receive t-shirts, water bottles,
25 lanyards, pins, and stickers.

1 Q And do you know, on -- on average, how often an associate
2 would -- would receive swag or be eligible for swag in the --
3 in the coming months of their employment at Amazon?

4 A Yeah, typically at least once per month.

5 Q And how about food items, so for example, candy, snacks,
6 drinks? Has Amazon distributed those items at BHM1 since it
7 opened?

8 A Yes.

9 Q And so tell us about the distribution of those snacks, for
10 example, how -- how often does that occur?

11 A Yeah, we try to give out snacks as much as possible, so
12 typically, anywhere between two to four times per month.

13 Q Was there a period in 2020 where the snack distribution
14 stopped?

15 A In 2020, it started in September due to COVID.

16 Q And you say "due to" -- "due to COVID"; why -- why were
17 snacks not distributed prior to September?

18 A Yeah, due to COVID restrictions, we weren't allowed to
19 hand out the snacks in the break room. But as soon as they
20 were lifted in September and we could hand them out again, we
21 immediately started doing so.

22 Q Do you recall when in September?

23 A It would have been one of the first few weeks in
24 September.

25 Q And is -- are those distributions called snack attacks?

1 A Yes, they are.

2 Q And what sort of items have been distributed since
3 September under the snack attack program?

4 A Yeah, we give out lots of different items, so chips, soda,
5 Powerade, cookies, popsicles. Those are, kind of, a few
6 item -- and candy bars. Those are, like, what our associates
7 really love.

8 Q And since September, has -- has Amazon been consistent
9 with the two to four times a month, or have there been
10 variations?

11 A We at least give it out two to four times a month.

12 Q When you worked in Charlotte and Orlando, did they have
13 snack or -- or goodie giveaways?

14 A Yes, they did.

15 A So on -- on the issue of swag, I'd like you to think back
16 to -- to the -- really, the first six months, six, seven months
17 of the site being opened. And during that time, did you have a
18 role in -- in swag design or -- or distribution?

19 A Yes.

20 Q And what was that role, again?

21 A I designed almost all of the swag, and then I helped
22 choose the days we would give the swag out.

23 Q And so I'm going to run through some -- some items, and
24 I'd like you to confirm whether those were distributed, and if
25 you recall, when those were distributed during the --

- 1 A Okay.
- 2 Q -- first six or seven months of -- of the site being
- 3 operational. So do you recall a launch shirt?
- 4 A Yes, that was given out in early -- it started in early
- 5 March of 2020.
- 6 Q What about a launch lanyard?
- 7 A That was given out at the same time period, that March
- 8 launch day.
- 9 Q And a launch water bottle?
- 10 A Yes, the same time period in March.
- 11 Q Teal summer shirt?
- 12 A That was given out around June of 2020.
- 13 Q Amazon gold shirt?
- 14 A That was given out in September of 2020.
- 15 Q Summer of safety shirt?
- 16 A That was given out in August of 2020.
- 17 Q A lunar shirt?
- 18 A That was given out in September of 2020.
- 19 Q And did Amazon give out any Prime shirts.
- 20 A Yes, we gave out two.
- 21 Q And when were those distributed?
- 22 A That was, I believe, the second week in October, mid-
- 23 October.
- 24 Q Did that coincide with Amazon's Prime Day?
- 25 A Yes, it did.

- 1 Q And what -- what date was that?
- 2 A That would have been the second week in October of 2020.
- 3 Q How about warriors at Amazon pen?
- 4 A Yes, that was given out in May of 2020.
- 5 Q And warriors at Amazon shirt?
- 6 A May of 2020.
- 7 Q Glamazon pen?
- 8 A June of 2020.
- 9 Q Glamazon shirt?
- 10 A June of 2020.
- 11 Q Sparkly pink peccy.
- 12 A October of 2020.
- 13 Q Safety pens?
- 14 A That was given out during the summer of 2020.
- 15 Q And the items I just -- I just ran through, did Amazon
- 16 charge associates for those items?
- 17 A No, we never charge associates.
- 18 Q And did Amazon track which associates received the items
- 19 that we just reviewed?
- 20 A No, we didn't.
- 21 Q And during the -- the campaign period at -- at issue here,
- 22 to your knowledge, did Amazon do any tracking of swag
- 23 distributed during that period?
- 24 A No, not to my knowledge.
- 25 Q Are you familiar with the vendor bucks program?

1 A Yes, I am.

2 Q Please describe it?

3 A So the vender bucks program is -- it looks like a physical
4 dollar that we give to our associates, and they can spend them
5 at one of the vending machines.

6 Q And when were vender bucks first introduced at BHM1?

7 A It would have been around the first few months around
8 launch, so around April, May, is when we really started using
9 vender dollars.

10 Q And have vender bucks been available during the entire
11 that -- during the time since opening to the present?

12 A Yes.

13 Q And what about break time passes? Are you familiar with
14 break time passes?

15 A Yes, I am.

16 Q And when were those introduced at BHM1?

17 A One that was an initiative that was during Prime in 2020.

18 A And by Prime, do you mean early October of 2020?

19 A Yes.

20 Q And specifically, what is a break time pass?

21 A So if an associate won this pass, they were able to get an
22 additional 15-minute break.

23 Q And how would an associate win the pass?

24 A They would win it from their manager. So going above and
25 beyond, safety saves, those are a few ways associates could win

1 them.

2 Q And since they were introduced, have the break time passes
3 generally been available to associates from between that
4 starting date and -- and the present?

5 A No, we only typically use -- we only used them during that
6 one time period.

7 Q Which would have been?

8 A The Prime of 2020.

9 Q And Ms. Smith, I have a few questions for you regarding
10 work rules at the -- at the site. So in your HR role, are you
11 familiar with the site's policies and -- and rules for
12 employees?

13 A Yes, I am.

14 Q And how are you familiar with them?

15 A I'm familiar with them because I have to know them and
16 educate our associates and managers on them.

17 Q Are you familiar if the site has a cell phone policy or
18 rule?

19 A Yes, we do.

20 Q And when was that deployed at the site?

21 A That was deployed when we launched the building.

22 Q Have there been any changes to that policy since it was
23 deployed at launch?

24 A No.

25 Q Are you aware of any HR manager directive to not enforce

1 that cell phone policy?

2 A No, I'm not.

3 Q Are you aware of any practice where that policy wasn't
4 enforced?

5 A No.

6 Q How about break time? Has there been a break time policy
7 at the site?

8 A Yes.

9 Q And when was that first deployed?

10 A When we launched.

11 Q And has there been any change to the break time policy
12 since then?

13 A No.

14 Q Are you aware of any manager or HR directive to not
15 enforce the break time policy at any point?

16 A No, I'm not.

17 Q Are you aware of any practice where that policy wasn't
18 enforced for a certain period of time?

19 A No, I'm not.

20 Q And are you -- are you familiar with negative time
21 balance?

22 A Yes, I am.

23 Q How long has that been around?

24 A That's been around since we launched.

25 Q Any -- any changes to that one?

1 A No.

2 Q Any directives or instructions not to enforce it?

3 A No.

4 Q Any practice, to your knowledge, of not enforcing it?

5 A No.

6 MR. BRODERDORF: Madam Hear -- Madam Hearing Officer, I
7 think we've been going with the witness for about an hour and
8 20 minutes or so. Mr. Johnson does have a few questions for
9 Ms. Smith. I would propose we take a short break, maybe even
10 just five minutes, and then -- and then regroup with --
11 with -- with Mr. Johnson's questions.

12 HEARING OFFICER MEYERS: All right. We will go off the
13 record until 4:45. Then, Mr. Johnson will have the opportunity
14 to complete the questioning of this witness on direct.

15 I am relatively certain that the Union is going to ask for
16 time. So I'm guessing that we may resume cross-examination
17 tomorrow, but we'll evaluate that after Mr. Johnson completes
18 his questioning.

19 With that, we're off the record until 4:45, or 3:45
20 Central Time. Off the record.
21 (Off the record at 3:39 p.m.)

22 HEARING OFFICER MEYERS: On the record.

23 Mr. Johnson, do you have any questions for this witness?

24 MR. JOHNSON: Yes, Madam Hearing Officer.

25 HEARING OFFICER MEYERS: Please proceed.

1 MR. JOHNSON: Thank you.

2 **DIRECT EXAMINATION**

3 Q BY MR. JOHNSON: Welcome back, Ms. Smith. As you may
4 know, I'm Harry Johnson, counsel for Amazon. I'm just going to
5 ask you a few questions, and then we'll finish up. Do you
6 understand?

7 A Yes.

8 Q Okay, are you familiar with a program called the Offer?

9 A Yes, I am.

10 Q Okay. In your previous employment at Amazon, what sites
11 did you work at, again?

12 A I worked at MCO1 in Orlando, Florida and CTL4 in
13 Charlotte, North Carolina.

14 Q Are those fulfillment centers?

15 A Yes, they are.

16 Q Did the Offer program apply to those sites?

17 A Yes, it did.

18 Q Does local HR or management at BHM1 have the discretion to
19 change the terms and conditions of the Offer when it was
20 extended in 2021?

21 A No, we do not.

22 Q Now, at BHM1, what role did you have as an aid in
23 communicating information about the Offer programs to the
24 associates at BHM1?

25 A My role was: once the information was given to us from



1 the centralized communications team, just making sure that our
2 associates were informed.

3 Q Okay. Did they give you any direction about what to
4 communicate, language variables or directives?

5 A Yes, they did.

6 Q What did they send you?

7 A They -- yeah. They sent us a few slides that we could
8 post around the fulfillment center. They gave some FAQ
9 documents, and documents for one-on-one conversations.

10 MR. JOHNSON: Okay. Can we put up Exhibit 90, please,
11 Madam Hearing Officer?

12 HEARING OFFICER MEYERS: Madam Bailiff, can you put up 90,
13 please?

14 THE BAILIFF: Yes, one moment.

15 Can you all see that?

16 THE WITNESS: Yes.

17 Q BY MR. JOHNSON: Let me know when you're ready about to
18 talk about this? It's one page long.

19 A Okay, I'm ready.

20 Q Okay. Was this document sent you to be used at BHM1?

21 A Yes, it was.

22 MR. JOHNSON: And let's have 91, please?

23 Q BY MR. JOHNSON: Take a moment again to review that; I
24 think it's two pages. Let me know when you're ready to talk
25 about that?

1 A Okay, I'm ready.

2 Q Was this document sent to BHM1 HR to use?

3 A Yes, it was.

4 Q Okay, and this is entitled "FAQs"; can you identify what
5 was the question asked, and what was the answer that was
6 supposed to be given?

7 A Yeah, so for example, line 4, the question is "can I come
8 back to Amazon if I participate", and the answer would be "no,
9 if you participate, you're not eligible for rehire".

10 Q Was HR at BHM1 supposed to give those answers?

11 A Yes.

12 MR. JOHNSON: Okay, we can take this down and put up 92,
13 please, Madam Hearing Officer.

14 Q BY MR. JOHNSON: And -- and this is very short; can you
15 identify on Exhibit 92?

16 A Yes.

17 Q And was this one of the documents sent to you to use?

18 A Yes.

19 Q Did you deploy this one?

20 A Yes, I did.

21 Q And how did you push out the information?

22 A Yes, this would have been on the acid screens, table-
23 toppers, and installments, and our weekly newsletter.

24 MR. JOHNSON: Can you put up 94, please? Now, this is
25 multi-page document, we'll just sort of scroll down if you can.

1 Whoops, I think you overshot. We're looking at Employer -- I
2 have the exhibit wrong, but it's 9 -- maybe is 93. Is that
3 "program, Offer program overview"? There we go. Sorry, my bad

4 Q BY MR. JOHNSON: So can you scroll this document and take
5 a look at it, and tell me when you're ready to talk about it?

6 A Okay, I'm ready.

7 Q Okay, and this document that begins in Employer Exhibit
8 93, did this -- was this sent to you from Amazon's to use at
9 BHM?

10 A Yes.

11 Q And did -- did the HR department actually review this
12 document to understand the terms of the Offer?

13 A Yes, they did.

14 Q And are the FAQs also official FAQs like the prior ones
15 that you testified about with Exhibit 91?

16 A Yes, they are.

17 Q Now, compared to other sites where you were employed
18 before, Charlotte and Orlando, were you aware of anything
19 unique about the messaging related to the offer at BHM1?

20 A No, I was not.

21 Q And we in 2021 at BHM1, how many associates accepted the
22 Offer?

23 A Zero.

24 Q Were you aware of any discussions were anyone has had
25 questions about the Offer?

1 A A few associates had question.

2 Q And how is that you're aware of that?

3 A Because every time an associate would go to a senior HR
4 assistant about the Offer, they would have to let your HR
5 business partner team know that someone had questions about it.

6 Q Was that a requirement?

7 A Yes, it was on ours. We wanted to make sure that -- yeah,
8 it was.

9 Q Okay. Were you on the business team that was informed?

10 A Yes.

11 Q Okay, and when you're talking about a few, I mean, do you
12 have an estimate on that now?

13 A Maybe five to ten.

14 Q Okay. Is that your best estimate?

15 A Yes.

16 Q Did you play a role in informing employees at BHM1
17 concerning what their hourly wage rates are or will be?

18 A Yes, and informing the associates.

19 Q Okay, and what was your role in that regard in 2020?

20 A My role was: once the centralized communication team sent
21 us the information, I made sure the associates were aware of
22 it.

23 Q Okay. Are you aware of whether or not Amazon uses any
24 kind of wage model for tier 1 and tier 3 employees at
25 fulfillment centers like BHM1?

1 A Yes.

2 Q Okay, and what is that called?

3 A It's called a step plan.

4 Q Was the step plan in place at Amazon generally at the time
5 you joined Amazon originally?

6 A Yes, it was.

7 Q Was there a step plan in place in Charlotte?

8 A Yes.

9 Q Was there a step plan in place in Orlando?

10 A Yes.

11 Q Okay. Do you recall when the 2020 step plan that applied
12 to BHMI was first announced to you in human resources?

13 A Yeah, the first time I was made aware was October 21st,
14 2020.

15 MR. BRODERDORF: Okay, and can we put up Exhibit 108, just
16 a completely different set? I think it is -- is that two pages
17 long, or one page long? It's okay. I'll just go to the thing
18 here on the second page.

19 Q BY MR. BRODERDORF: So take a moment and look at that, and
20 tell me when you're ready to testify about it?

21 A Okay, I'm ready.

22 Q Okay. Is that you on the "to" lines, Ms. Smith?

23 A Yes, that's me.

24 Q Okay, so did you actually get this?

25 A Yes, I did.

1 Q What is it?

2 A This is the email that notified us there was going to be a
3 wage adjustment.

4 Q Okay, and did they send you data on what that adjustment
5 was, or materials related to it, after?

6 A Yes, they did.

7 Q Okay. Had you ever seen something like this before in
8 your career?

9 A Yes.

10 Q And was -- this particular one, was this an announcement
11 that only went out to BHM1, or were there other announcements
12 that went out the same day to other fulfillment centers?

13 A No, it went out to other fulfillment centers.

14 Q And how do you know it went out to other fulfillment
15 centers?

16 A I still keep in contact with my fellow HR business
17 partners at both CTL4 and MCO1. And they've both told me that,
18 on the same day, they got this email, we were talking.

19 Q Okay, so Charlotte and -- the Charlotte and Orlando
20 facilities both got the same email the same day?

21 A Yes.

22 Q And when did you go about informing the employees at BHM1
23 about the 2020 sub plan?

24 A As soon as we got this email on October 21st, we made sure
25 to inform our associates.



1 Q Okay. And how did you actually go about doing that?

2 A Yes. So we put information on the acid feeds
3 installments, table toppers, and we also printed a banner with
4 the different scales.

5 Q Okay. And where was the banner located?

6 A The banner was located right at the exit of the building.

7 Q Okay. Is there a particular area that that's known as?

8 A It's what we refer to as past the turnstiles. So that's
9 where it was located.

10 Q Okay. And did you -- let -- let me show you Exhibit 109.
11 And that's a two-pager. Do you recognize the contents of the
12 two pages that I'm showing to you?

13 A Yes, I do.

14 Q Okay. Let me go on to page 1. Are both these pages --
15 well, let me ask you, what did you put up on the banner?

16 A Well, what we put up on the banner was the Tier 1 pay. So
17 this slide and then the slide right after this, the Tier 3 pay.

18 Q Okay. Have you had any materials from Amazon Central in
19 regards to pay that you didn't put up?

20 A Yes. We did get one slide related to an associate
21 classification that we didn't have.

22 Q Okay. Is that why you didn't put it up or was there some
23 other reason?

24 A No. That's -- we didn't want to confuse the associates.

25 Q Okay. And then -- let me ask you -- from these -- so this

1 went up, was it the 21st, the 22nd, the 23rd?

2 A The night of the 21st.

3 Q Okay. And how long did it stay up?

4 A It would have stayed up for a few weeks. We took it down
5 to put up our Halloween information.

6 Q Okay. And let me ask you, from November 20, 2020, through
7 March 29, 2021, did BHM1 associates receive any rate increases
8 because of the step plan?

9 A Yes.

10 Q Okay. Can you explain how that happened?

11 A So if an associate, say, started in November, they would
12 start at \$15.30 an hour. And then after six months of tenure,
13 they would automatically go up to \$15.55 an hour.

14 Q Okay. Well, what if somebody started in April 2020?
15 Let's see, that's the fourth month. So six months in, we're in
16 October 2020, would they get that six-month increase then?

17 A Yes, they would.

18 Q What if somebody started in May 2020? Would they get they
19 get their six-month increase in November of 2020?

20 A Yes, they would.

21 Q And a June 2020 start, would that be an increase in
22 December of 2020?

23 A Yes, it would.

24 Q Okay. Now, from November 2020 -- from November 20, 2020,
25 through March 29, 2021, did any of the pay rates in this BHM1

1 step plan that you had up on the banner change?

2 A No, it did not.

3 Q Let me ask you about bonuses. Was there a bonus offered
4 at BHM1 between November 20, 2020 and March 29, 2021?

5 A Yes, there was.

6 Q Well, what bonus was that?

7 A It was the holiday bonus.

8 Q Okay. And had there ever been a holiday bonus before
9 during your experience with Amazon?

10 A Yes.

11 Q Okay. And was there anything different about this 2020
12 holiday bonus?

13 A Yeah. What was different about this holiday bonus is, in
14 the past, associates would be eligible for the bonus if they
15 didn't use their unpaid time. But we didn't want to encourage
16 associates to come to work if they were sick. So if they
17 worked one day between December 1st and December 31st, they
18 were eligible to receive the bonus.

19 Q Okay. Was this something that you made up at BHM1 that
20 just applied to BHM1, or was it a -- was it a region-wide or
21 company-wide or fulfillment center-wide thing?

22 A It was a fulfillment center-wide thing.

23 Q Okay. And was that true about the prior holiday bonus as
24 well -- bonuses as well?

25 A Yes.

1 MR. JOHNSON: And actually, I should probably move in 108
2 and 109.

3 HEARING OFFICER KERSTIN MEYERS: Any objection to 108 and
4 109, Mr. Rouco?

5 MR. ROUCO: No.

6 HEARING OFFICER KERSTIN MEYERS: 108 and 109 are admitted.

7 **(Employer Exhibits Number 108 and 109 Received into Evidence)**

8 MR. JOHNSON: And we can put up 111? This is -- the text
9 in this is a little small, so when you have a chance to review
10 that when and --

11 Q BY MR. JOHNSON: And have you ever seen this before?

12 A Yes, I have.

13 Q And is the announcement on the --

14 MR. JOHNSON: You can scroll back down, Ms. -- thank you,
15 Madame Bailiff.

16 Q BY MR. JOHNSON: Is this the announcement on the Amazon
17 blog about the holiday bonus?

18 A Yes, it is.

19 Q Okay. Let me take you through a few pieces in here. Now,
20 are the terms of the bonus, in terms of U.S. operations
21 employees employed by the company from December 1 to December
22 31, qualifying for a bonus of \$300 for full-time employees and
23 \$150 for part-time employees; is that correct? Is that what
24 happened?

25 A Yes. That is correct.

1 Q Okay. And to the extent that you know, I mean, is the
2 second paragraph about the representations about how much the
3 incentives and the -- with bonuses; is that correct?

4 A Yes, to my knowledge.

5 Q Okay. And there's a mention in here about a \$500 million
6 thank you bonus earlier this -- that year. Do you see that?

7 A Yes, I do.

8 Q Did that actually happen at BHM1?

9 A Yes. That took place in June of 2020.

10 MR. JOHNSON: Can we have 110, Hearing Officer.

11 HEARING OFFICER KERSTIN MEYERS: Madame Bailiff?

12 Q BY MR. JOHNSON: And have you ever seen this document
13 before?

14 A Yes, I have.

15 Q And what is it?

16 A This is a document that was sent to HR leaders describing
17 what the bonus was and how you qualify for it.

18 Q Is this the thank you bonus that was mentioned in 111?

19 A Yes, it is.

20 Q Okay. And would BHM1 employees get this bonus?

21 A Yes, they did.

22 MR. JOHNSON: And I move 110 and 111 into evidence now,
23 Hearing Officer.

24 HEARING OFFICER KERSTIN MEYERS: Any objection to 110
25 and --

1 MR. JOHNSON: I'm sorry.

2 HEARING OFFICER KERSTIN MEYERS: -- did you say 110 and
3 111? Is it 111?

4 MR. JOHNSON: Yes. 110 and 111. This is -- this is 110
5 and I actually asked about 111 first.

6 HEARING OFFICER KERSTIN MEYERS: Okay. That's why I was
7 confused. But I thought about it for a second.

8 So any objection to 110 and 111?

9 MR. ROUCO: No objection.

10 HEARING OFFICER KERSTIN MEYERS: 110 and 111 are admitted.

11 **(Employer Exhibit Number 110 and 111 Received into Evidence)**

12 MR. JOHNSON: And you can take it down now, Madame
13 Bailiff.

14 Q BY MR. JOHNSON: Now, besides the holiday bonus and the
15 operation of the step plan that you testified about, did Amazon
16 make any changes to BHM1 associates' wages in the period
17 between November 20, 2020 and March 29, 2021?

18 A No.

19 Q No? And besides, did -- at any point between November 20,
20 2020, and March 29, 2021, did Amazon make any changes to BHM1
21 associates' insurance or any other benefits?

22 A No.

23 Q Do you have any knowledge that any member of Human
24 Resources or Management made any promises between November 20,
25 2020, and March 29, 2021, to increase BHM1 employees' pay

1 outside the normal operation of the step plan?

2 A No.

3 Q Do you have any knowledge that any member of BHM1, Human
4 Resources, or Management, made any promises between November
5 20, 2020, and March 29, 2021, to change BH1 -- BHM1 employees'
6 benefits?

7 A No.

8 Q Okay.

9 MR. JOHNSON: May I confer with counsel?

10 HEARING OFFICER KERSTIN MEYERS: You can.

11 (Counsel confer)

12 Q BY MR. JOHNSON: Oh, I have one just general question
13 about Human Resources while I have you. Did -- did people ever
14 have questions about, you know -- so we've talked about
15 wages -- wages in the period of March 2020 through October
16 2020?

17 A I'm sure we did get some questions about wages.

18 Q Okay. Well, did HR ever offer to fix wage issues during
19 that period of time?

20 A If there was a -- if something was incorrect, we would
21 have fixed it.

22 Q Okay. So there were all these different channels you
23 testified about earlier, HR chatbot and the service desk and
24 connections and -- and all that. Did HR use any of those
25 channels to fix associate wage issues? Like missed punches,

1 for example?

2 A Yes.

3 Q Okay. And did HR offer to fix them during that time
4 period -- offer to fix, you know, issues that associates raised
5 to HR in the period March 2020 through end of September 2020?

6 A Yes.

7 Q And did that extend beyond wage issues?

8 A Yes, it did.

9 MR. JOHNSON: Okay. I think I have no further questions on
10 direct Madame Hearing Officer.

11 HEARING OFFICER KERSTIN MEYERS: Mr. Rouco, how much time
12 would you require to prepare for this witness and how much
13 cross do you think you'll have?

14 MR. ROUCO: You know, I would really like to confer with
15 George about it. You know, it's -- this witness has covered a
16 lot of material. And so there may not be -- I -- just it's
17 hard to tell right now. If we could have -- may I have a
18 second to confer with George?

19 HEARING OFFICER KERSTIN MEYERS: A second or a few
20 minutes?

21 MR. ROUCO: Well, I just need to go over to where he is.
22 And then --

23 MR. JOHNSON: Can I ask one question before Richard leaves
24 us? Is 101 in?

25 HEARING OFFICER KERSTIN MEYERS: 101?

1 MR. JOHNSON: Yes, 101.

2 HEARING OFFICER KERSTIN MEYERS: I believe it -- yeah, 101
3 is in.

4 MR. JOHNSON: Okay.

5 HEARING OFFICER KERSTIN MEYERS: You did skip one.

6 MR. JOHNSON: Yeah. It's fine.

7 HEARING OFFICER KERSTIN MEYERS: You know you skipped 107?

8 MR. JOHNSON: Yes.

9 HEARING OFFICER KERSTIN MEYERS: Okay.

10 MR. ROUCO: All right. I'll be right back.

11 HEARING OFFICER KERSTIN MEYERS: All right. Take your
12 time.

13 (Counsel confer)

14 HEARING OFFICER KERSTIN MEYERS: Ms. Smith?

15 THE WITNESS: I think you might be on mute.

16 HEARING OFFICER KERSTIN MEYERS: Oh, I thought I just
17 unmuted. You can go off camera. You don't have to sit and
18 look official.

19 THE WITNESS: Okay. Thank you.

20 (Pause)

21 MR. ROUCO: I think if we had probably 20 minutes, we
22 could be ready to cross this witness.

23 HEARING OFFICER KERSTIN MEYERS: Do you think your -- how
24 long do you think your cross is going take? Here's the
25 problem. I have a physical therapy appointment at 6, and it's

1 5:15 now.

2 MR. ROUCO: I would think it'd probably take half an hour.
3 So -- you know, we can pick up tomorrow. I don't really plan
4 on asking this witness a lot. So we -- it shouldn't delay us
5 too much tomorrow.

6 HEARING OFFICER KERSTIN MEYERS: Okay.

7 MR. ROUCO: You know, I mean there are things -- what this
8 witness testified to, a lot of it is just --

9 HEARING OFFICER KERSTIN MEYERS: Documents.

10 MR. ROUCO: -- really straightforward document stuff. So
11 I don't -- but there are some things that -- which might take
12 us some time -- is that exhibit that they put out on all the
13 questions. You know, the one that had all the entries. And
14 that I'm going to have to work through to look at --

15 HEARING OFFICER KERSTIN MEYERS: Right.

16 MR. ROUCO: -- process it. And then -- and then, that's
17 where -- I guess, a fair amount of the examination would be
18 limited -- would be focused on.

19 HEARING OFFICER KERSTIN MEYERS: Okay. And I don't want
20 to cut you off in the middle of your examination.

21 And with that, Mr. Broderdorf, do you have any objection
22 to recalling the witness tomorrow morning?

23 MR. BRODERDORF: We don't. We had a preference to try
24 to -- to try finish for today. But given, you know, where
25 we're at with the timing and -- and the expect -- expected

1 cross and potentially redirect, we understand if -- if we
2 resume in the morning.

3 HEARING OFFICER KERSTIN MEYERS: I just -- I just don't
4 want to let her go halfway through and then make her come back
5 tomorrow for more questioning. That would be -- that would be
6 no fun for our witness.

7 So with that, let's go ahead and recess until 9 a.m.
8 Central Time tomorrow when we will recall the witness for
9 cross-examination. Is she on?

10 THE WITNESS: Yes, I am.

11 HEARING OFFICER KERSTIN MEYERS: All right. Ms. Smith,
12 you're still -- you will still be under oath tomorrow when we
13 call you back.

14 THE WITNESS: Uh-hum.

15 HEARING OFFICER KERSTIN MEYERS: So the rule of
16 sequestration is in place. So don't talk about your testimony
17 with anyone. I do appreciate your coming in. I'm sorry that
18 we've got to make you come back tomorrow.

19 THE WITNESS: No, that's fine.

20 HEARING OFFICER KERSTIN MEYERS: Okay. Well, thank you
21 for coming in. And we will see you tomorrow.

22 And with that, unless there are any housekeeping matters,
23 we will be in recess until tomorrow at 9 a.m. Central Standard
24 Time.

25 MR. ROUCO: Thank you.

1 THE WITNESS: Thank you.

2 HEARING OFFICER KERSTIN MEYERS: Off the record.

3 **(Whereupon, the hearing in the above-entitled matter was**
4 **recessed at 4:15 p.m. until Tuesday, May 25, 2021 at 9:00 a.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 10, Case Number 10-RC-269250, Amazon.com Services, LLC and Retail, Wholesale and Department Store Union, held at the National Labor Relations Board, Region 10, Peachtree Summit Federal Building 401 W. Peachtree Street NE, Suite 2201, Atlanta, Georgia 30308, on May 24, 2021, at 8:08 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



Michelle Morales

Official Reporter